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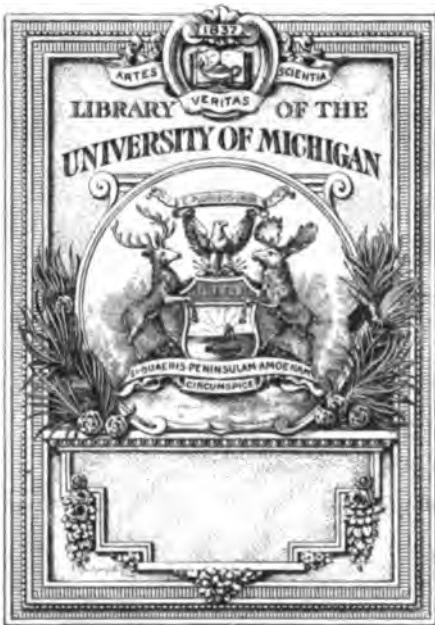
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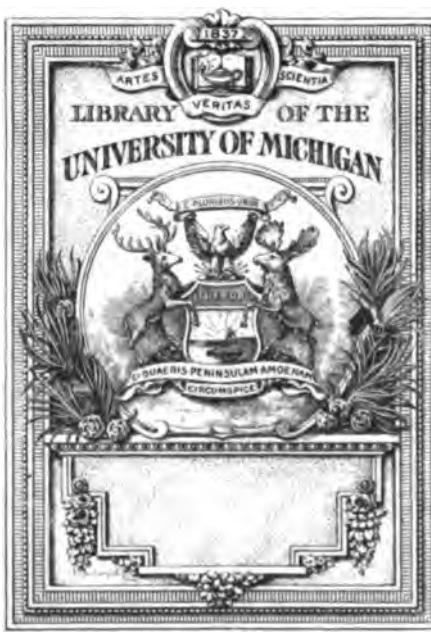
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FUR SEAL ARBITRATION.

PROCEEDINGS

OF THE

TRIBUNAL OF ARBITRATION, CONVENED AT PARIS

UNDER THE

TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT
BRITAIN CONCLUDED AT WASHINGTON FEBRUARY 20, 1892,

FOR THE

DETERMINATION OF QUESTIONS BETWEEN THE TWO GOV-
ERNMENTS CONCERNING THE JURISDICTIONAL
RIGHTS OF THE UNITED STATES

IN THE

WATERS OF BERING SEA.

VOLUME IX.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1895.

FUR-SEAL ARBITRATION.

ARGUMENT

OF

THE UNITED STATES

BEFORE THE

TRIBUNAL OF ARBITRATION

CONVENED AT PARIS

UNDER THE

**PROVISIONS OF THE TREATY BETWEEN THE UNITED
STATES OF AMERICA AND GREAT BRITAIN,
CONCLUDED FEBRUARY 29, 1892.**



**WASHINGTON, D. C.:
GOVERNMENT PRINTING OFFICE.
1893.**

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WASHINGTON, February 23, 1893.

SIR: We have the honor to hand you herewith the argument prepared by us as counsel of the United States, in order that in pursuance of Article V of the treaty between the United States and Great Britain, of 29th February, 1892, it may be presented to the Tribunal of Arbitration constituted by that treaty.

Very respectfully, your obedient servants,

E. J. PHELPS.
J. C. CARTER.
H. M. BLODGETT.
F. R. COUDERT.

Hon. JOHN W. FOSTER,
Agent of the United States.

ARGUMENT OF THE UNITED STATES.

The undersigned, counsel for the United States, conceive that before entering upon the argument which it has been made their duty to prepare, they owe more than a formal and ceremonious expression of their sense of the importance and dignity of the occasion and of the august character of the Tribunal which they are to address. Instances have heretofore occurred in which nations have submitted their controversies to peaceful arbitration; but the most important of them have been cases in which mere pecuniary reparation was sought in respect to acts which could not be recalled. To-day two most powerful nations agree that their conflicting claims to permanent dominion shall be reconciled and determined without a resort to those methods of violence which carry with them such limitless destruction and suffering. A just homage is thus paid to the civilized sentiment of mankind that war is seldom, if ever, necessary; and that the conclusions of reason should be made to supersede the employment of force.

FIRST.

WHAT LAW IS TO GOVERN THE DECISION?

The undersigned believe it to be in a high degree important that it should at the outset be clearly understood what principles and rules are to guide the Arbitrators in reaching their conclusions. Otherwise no argument can be intelligently framed. We do not indeed apprehend that there can be any serious difference of opinion upon this point.

The consciousness and immediate conviction of every one having any part in the proceeding—Arbitrators and counsel alike—might be safely

appealed to for the response that the determination must be grounded upon principles of *right*. It can not be that two great nations have voluntarily waived their own convictions and submitted their rival claims to the determinations of caprice, or merely temporary expediency. It is not to such empty and shifty expedients that national pride and power have paid their homage. The arbitrament of force can be worthily replaced only by that of *right*. This Tribunal would be robbed of its supreme dignity, and its judgment would lose its value, if its deliberations should be swayed in any degree by considerations other than those of justice. Its proceedings would no longer be judicial. The nation for which the undersigned have the honor to be retained is prepared to accept and abide by any determination which this Tribunal may declare as the just conclusion of law upon the facts as established by the proofs. It can not be content with any other.

But what is the rule or principle of *right*? How is it to be described and where is it to be found? The answer to this question, though not so immediately obvious, is yet not open to doubt. In saying that the rule must be that of right, it is intended, and indeed declared, that it must be a *moral* rule, a rule dictated by the moral sense; but this may not be the moral sense as found in any individual mind, or as exhibited by the concurring sentiments of the people of any particular nation. There may be—there are—differences in the moral convictions of the people of different nations, and what is peculiar to one nation can not be asserted as the rule by which the conduct of another nation is to be controlled. The controversy to be determined arises between two different nations, and it has been submitted to the judgment of a tribunal composed, in part, of the citizens of several other nations. It is immediately obvious that it must be adjudged upon principles and rules which both nations and all the Arbitrators alike acknowledge; that is to say, those which are dictated by that *general standard of justice* upon which civilized nations are agreed; and this is *international law*. Just as, in municipal societies, municipal law, aside from legislative enactments, is to be found in the general standard of justice which is acknowledged by the members of each particular state, so, in the larger society of nations, international law is to be found in the general standard of justice acknowledged by the members of that society. There is, indeed, no *legislation*, in the ordinary sense of that word, for the society of nations; nor in respect to, by far, the larger part of the affairs of life is there any for municipal societies; and yet there is

for the latter an always existing *law* by which every controversy may be determined. The only difference exhibited by the former is that it has no regularly-constituted body of *experts*, called judges, clothed with authority to declare the law. And this distinction is wiped away in the case of the present controversy by the constitution of this tribunal. That there is an *international law* by which every controversy between nations may be adjudged and determined will scarcely be questioned anywhere; but here no such questioning is allowable. The parties to the controversy are, to employ a word familiar to them, *estopped* from raising it. They have voluntarily made themselves parties to a *judicial* proceeding. For what purpose is it that these nations have submitted rival claims to *judicial* decision if there is no legal rule which governs them? Why is it that they have provided for the selection of arbitrators preëminent for their knowledge of law, except that they intended that the law should determine their rival claims? Nay, what is the relevancy, or utility, of this very argument in which we are engaged unless there is an agreed standard of justice to which counsel can appeal and upon which they can hope to convince? The undersigned conceive that it will not be disputed that this arbitration was planned and must be conducted upon the assumption that there is no place upon the earth, and no transaction either of men or nations which is not subject to the dominion of law.

Nor can there be any substantial difference of opinion concerning the sources to which we are to look for the international standard of justice which the undersigned have referred to as but another name for international law. Municipal and international law flow equally from the same source. All law, whether it be that which governs the conduct of nations, or of individuals, is but a part of the great domain of ethics. It is founded, in each case, upon the nature of man and the environment in which he is placed. The formal rules may indeed be varied according to the differing conditions for which they are framed, but the spirit and essence are everywhere and always the same. Says Sir James Mackintosh:

The science which teaches the rights and duties of men and of states has in modern times been styled "the law of nature and nations." Under this comprehensive title are included the rules of morality, as they prescribe the conduct of private men towards each other in all the various relations of human life; as they regulate both the obedience of citizens to the laws, and the authority of the magistrate in framing laws and administering government; and as they modify the intercourse of independent commonwealths in peace and prescribe limits to their hostility

in war. This important science comprehends only that part of private ethics which is capable of being reduced to fixed and general rules.¹

And Lord Bacon has, in language often quoted, pointed to the law of nature as the source of all human jurisprudence:

For there are in nature certain fountains of justice, whence all civil laws are derived but as streams, and like as waters do take tinctures and tastes from the soils through which they run, so do civil laws vary according to the regions and governments where they are planted, though they proceed from the same fountain.²

This original and universal source of all law is variously designated by different writers; sometimes as "the law of nature," sometimes as "natural justice," sometimes as "the dictates of right reason;" but, however described, the same thing is intended. "The law of nature" is the most approved and widely employed term. The universal obligation which it imposes is declared by Cicero in a passage of lofty eloquence which has been the admiration of jurists in every succeeding age.³

And the same doctrine is inculcated by the great teacher of the laws of England in language which may have been borrowed from the great Roman:

This law of nature being coeval with mankind, and dictated by God himself, is, of course, superior in obligation to any other. It is binding over the globe, in all countries, and at all times; no human laws are of any validity if contrary to this, and such of them as are valid derive all their force and all their authority, mediately or immediately, from this original.⁴

The dependency of all law upon the law of nature is happily expressed by Cicero in another often quoted passage: "*Lex est suprema ratio insita a natura quæ jubet ea quæ facienda sunt, prohibetque con-*

¹ Dissertation on the Law of Nature and Nations.

² De Augmentis Scientiarum.

³ "Est quidem vera lex recta ratio naturae congruens, diffusa in omnes, constans, sempiterna, quæ vocet ad officium jubendo, vetando a fraude deterreat, quæ tamen neque probos frustra jubet aut vetat, nec improbos jubendo aut vetando movet. Huic legi nec obrogari fas est neque derogari ex hac aliquid licet neque tota abrogari potest, nec vero aut per senatum aut per populum solvi hac lege possumus, neque est quaerendus explanator aut interpres ejus alius, nec eritalia lex Romae, alia Athenis, alia nunc, alia posthac, sed et omnes gentes et omni tempore una lex et sempiterna et immutabilis continebit unusquisque erit communis quasi magister et imperator omnium deus: ille legis hujus inventor, disceptator, lator, cui qui non parebit, ipse se fugiet ac naturam hominis aspernatus hoc ipso luet maximas poenas, etiam si caetera supplicia quæ putantur, effugerit." (De Republica, Lib. III. Cap. XXII, § 33.)

⁴ Blackstone, Com., Book I, p. 41.

*traria.*¹ And it is very clearly illustrated by the fact that the great expositors of the Roman law in seeking for a concise formula which would express its original and fundamental principles, have simply borrowed or framed a statement of the dictates of natural justice: "*Juris precepta sunt haec: honesta vivere, alterum non laedere, suum cuique tribuere.*"²

Some writers have been inclined to question the propriety of designating as law that body of principles and rules which it is asserted are binding upon nations, for the reason that there is no common superior power which may be appealed to for their enforcement. But this is a superficial view which has received no considerable assent. The public opinion of the civilized world is a power to which all nations are forced to submit. No nation can afford to take up arms in defence of an assertion which is pronounced by that opinion to be erroneous. A recent writer of established authority has well answered this objection:

It is sometimes said that there can be no law between nations, because they acknowledge no common superior authority, no international executive capable of enforcing the precepts of international law. This objection admits of various answers: First, it is a matter of fact that states and nations recognize the existence and independence of each other, and out of a recognized society of nations, as out of a society of individuals, law must necessarily spring. The common rules of right approved by nations as regulating their intercourse are of themselves, as has been shown, such a law. Secondly, the contrary position confounds two distinct things, namely, the physical sanction which law derives from being enforced by superior power, and the moral sanction conferred on it by the fundamental principle of right; the error is similar in kind to that which has led jurists to divide moral obligations into perfect and imperfect. All moral obligations are equally perfect, though the means of compelling their performance is, humanly speaking, more or less perfect, as they more or less fall under the cognizance of human law. In like manner, international justice would not be less deserving of that appellation if the sanctions of it were wholly incapable of being enforced.

* * * * *

But irrespectively of any such means of enforcement the law must remain. God has willed the society of States as He has willed the society of individuals. The dictates of the conscience of both may be violated on earth, but to the national as to the individual conscience, the language of a profound philosopher is applicable: "Had it strength as it had right, had it power as it has manifest authority, it would absolutely govern the world."

* * * * *

Lastly, it may be observed on this head, that the history of the world, and especially of modern times, has been but incuriously and unprofitably read by him who has not perceived the certain Nemesis which overtakes the transgressors of international justice; for, to take

¹ Cic. De Legibus, Lib. I, c. VI, § 6.

² Just. I, l. 3.

but one instance, what an "Iliad of woes" did the precedent of the first partition of Poland open to the kingdoms who participated in that grievous infraction of international law! The Roman law nobly expresses a great moral truth in the maxim, "Jurisjurandi contempta religio satis Deum habet ultorem." The commentary of a wise and learned French jurist upon these words is remarkable and may not inaptly close this first part of the work: "Paroles (he says) qu'on peut appliquer également à toute infraction des loix naturelles. La justice de l'Auteur de ces loix n'est pas moins armée contre ceux qui les transgressent que contre les violateurs du serment, qui n'ajoute rien à l'obligation de les observer, ni à la force de nos engagements, et qui ne sert qu'à nous rappeler le souvenir de cette justice inexorable." (Phillimore's International Law, third edition, London, 1879, vol. I, section LX.)¹

That there is a measure of uncertainty concerning the precepts of the law of nature and, consequently, in international law which is derived from it, is indeed true. This uncertainty in a greater or less degree is found in all the moral sciences. It is exhibited in municipal law, although not to so large an extent as in international law. Law is matter of opinion; and this differs in different countries and in different ages, and indeed between different minds in the same country and at the same time. The loftiest precepts of natural justice taught by the most elevated and refined intelligence of an age may not be acquiesced in or appreciated by the majority of men. It is thus that the rules actually enforced by municipal law often fall short of the highest standard of natural justice. Erroneous decisions in municipal tribunals are of frequent occurrence. Such decisions, although erroneous, must necessarily be accepted as declarative of the rule of justice. They represent the

¹The duties of men, of subjects, of princes, of lawgivers, of magistrates, and of states are all parts of one consistent system of universal morality. Between the most abstract and elementary maxims of moral philosophy and the most complicated controversies of civil and public law there subsists a connection. The principle of justice deeply rooted in the nature and interests of man pervades the whole system and is discoverable in every part of it, even to the minutest ramification in a legal formality or in the construction of an article in a treaty.—(Sir James Macintosh, Discourse on the Law of Nature and Nations, *sub fine*.)

Mr. Justice Story says: "The true foundation on which the administration of international law must rest is that the rules which are to govern are those which arise from mutual interest and utility, from a sense of the inconveniences which would result from a contrary doctrine, and from a sort of moral necessity to do justice in order that justice may be done to us in return." (Conflict of Laws, ch. ii, sec. 35.)

And, sitting as a judge, he declared: "But I think it may be unequivocally affirmed that every doctrine that may be fairly deduced by correct reasoning from the rights and duties of nations and the nature of moral obligations may theoretically be said to exist in the law of nations; and, unless it be relaxed or waived by the consent of nations, which may be evidenced by their general practice and custom, it may be enforced by a court of justice wherever it arises in judgment." (La Jeune Eugénie, 2 Mason's Reports, p. 449.)

national standard of justice accepted and adopted in states where they are pronounced. So far as they are wrong they will ultimately be corrected as nearer approaches are made to the truth. So also in international law, the actual practice of nations does not always conform to the elevated precepts of the law of nature. In such cases, however, the actual practice must be accepted as the rule. It is this which exhibits what may be called the international standard of justice; that is to say, that standard upon which the nations of the world are agreed. As municipal law embraces so much of natural justice, or the law of nature, as the municipal society recognizes and enforces upon its members, so, on the other hand, international law embraces so much of the same law of nature as the society of nations recognizes and enforces upon its members in their relations with each other. The Supreme Court of the United States, speaking through its greatest Chief Justice, was obliged to declare in a celebrated case that slavery, though contrary to the law of nature, was not contrary to the law of nations; and an English judge, no less illustrious, was obliged to make a like declaration.¹ Perhaps the same question would in the present more humane time be otherwise determined.

But, although the actual practice and usages of nations are the best evidence of what is agreed upon as the law of nations, it is not the only evidence. These prove what nations have *in fact* agreed to as binding law. But, in the absence of evidence to the contrary, nations are to be *presumed* to agree upon what natural and universal justice dictates. It is upon the basis of this presumption that municipal law is from time to time developed and enlarged by the decisions of judicial tribunals and jurists which make up the unwritten municipal jurisprudence. Sovereign states are presumed to have sanctioned as law the general principles of justice, and this constitutes the authority of municipal tribunals to declare the law in cases where legislation is silent. They are not to conclude that no law exists in any particular case because it has not been provided for in positive legislation. So also in international law, if a case arises for which the practice and usages of nations have furnished no rule, an international tribunal like the present is not to infer that no rule exists. The consent of nations is to be presumed in favor of the dictates of natural justice, and that source never fails to supply a rule.

If the foregoing observations are well founded, the law by which this

¹The Antelope 10, Wheaton's Reports, p. 120; The Louis, 2 Dods, 238.

Tribunal is to be guided is the law of nations; and the sources to which we are to look for that law upon any question which may arise are these:

First. The actual practice and usages of nations. These are to be learned from history in the modes in which their relations and intercourse with one another are conducted; in the acts commonly done by them without objection from other nations; in the treaties which they make with each other, although these are to be viewed with circumspection as being based often upon temporary and shifting considerations, and sometimes exacted by the more powerful from the weaker states; and in their diplomatic correspondence with each other, in which supposed principles of the law of nations are invoked and acceded to.

Second. The judgments of the courts which profess to declare and administer the law of nations, such as prize courts and, in some instances, courts of admiralty, furnish another means of instruction.

Third. Where the above mentioned sources fail to furnish any rule resort is to be had to the great source from which all law flows, the dictates of right reason, natural justice; in other words, the law of nature.

Fourth. And in ascertaining what the law of nature is upon any particular question, the municipal law of States, so far as it speaks with a concurring voice, is a prime fountain of knowledge. This is for the reason that that law involves the law of nature in nearly every conceivable way in which it speaks, and has been so assiduously cultivated by the study of ages that few questions concerning right and justice among men or nations can be found for which it does not furnish a solution.

Fifth. And, finally, in all cases, the concurring authority of jurists of established reputation who have made the law of nature and nations a study is entitled to respect.

Mr. Chief Justice Marshall has expressed from the bench of the Supreme Court of the United States what we conceive to be the true rule. He says:

The law of nations is the great source from which we derive those rules respecting belligerent and neutral rights which are recognized by all civilized and commercial states throughout Europe and America. This law is in part unwritten, and in part conventional. To ascertain that which is unwritten we recur to the great principles of reason and justice; but as these principles will be differently understood by different nations under different circumstances, we consider them as being, in some degree, rendered fixed and stable by a series of judicial decisions. The decisions of the courts of every country, so far as they are founded upon a law common to every country, will be received

not as authority, but with respect. The decisions of the courts of every country show how the law of nations, in the given case, is understood in that country, and will be considered in adopting the rule which is to prevail in this.¹

JAMES C. CARTER.

¹Sixty Hogsheads of Sugar v. Boyle, 9 Cranch, 191, 197.

The views stated in the text concerning the foundation of the law of nations and the sources from which it is to be gathered, are, it is believed, supported by the concurrent voices of writers of established authority. Differences will be found in the modes of statement; but there seems to be no substantial disagreement. A collection of extracts from many writers of different nations will be found in the Appendix immediately following.

APPENDIX TO PART FIRST (MR. CARTER'S ARGUMENT).

CITATIONS FROM WRITERS UPON THE LAW OF NATURE AND NATIONS, SHOWING THE FOUNDATION OF INTERNATIONAL LAW, ITS RELATIONS TO THE LAW OF NATURE, AND THE SOURCES FROM WHICH THE KNOWLEDGE OF IT IS TO BE DERIVED.

[POMEROY. *Lectures on International Law*, ed., 1886., ch. I, secs. 29, 30, 31, 33, pages 23-26.]

SEC. 29. (2) A large number of rules which govern the mutual relations of states in their corporate capacity are properly called *international* law, on account of the objects which they subserve and the rights and duties they create. They are also properly *law*, because they have been established by particular states as a part of their own municipal systems, and are enforced by their judiciary and executive in the same manner as other portions of the local codes. They are in fact principles of the law of nature or morality put in the form of human commands, and clothed with a human sanction.

(3) What is called international law in its general sense, I would term international morality. It consists of those rules founded upon justice and equity, and deduced by right reason, according to which independent states are accustomed to regulate their mutual intercourse, and to which they conform their mutual relations. These rules have no binding force in themselves as law; but states are more and more impelled to observe them by a deference to the general public opinion of Christendom, by a conviction that they are right in themselves, or at least expedient, or by a fear of provoking hostilities. This moral sanction is so strong and is so constantly increasing in its power and effect, that we may with propriety say these rules create rights and corresponding duties which belong to and devolve upon independent states in their corporate political capacities.

Sec. 30. We thus reach the conclusion that a large portion of international law is rather a branch of ethics than of positive human jurisprudence. This fact, however, affords no ground for the jurist or the student of jurisprudence to neglect the science. Indeed, there is the greater advantage in its study. Its rules are based upon abstract justice; they are in conformity with the deductions of right reason; having no positive human sanction they appeal to a higher sanction than do the precepts of municipal codes. All these features clothe them with a nobler character than that of the ordinary civil jurisprudence, as God's law is more perfect than human legislation.

SEC. 31. The preceding analysis of the nature and characteristics of international law enables us to answer the general question, What are its sources? If we confine our attention to that portion which is in every sense of the term strictly international, and is therefore, as we have seen, morality rather than law, these sources are plainly seen to be: (1) The Divine law; (2) Enlightened reason acting upon the abstract principles of ethics; and (3) The consent of nations in adopting the particular rules thus drawn from the generalities of the moral law

by the aid of right reason. It is only with this portion of international law that we need now concern ourselves. That other portion which I have already described as international only in its objects, and strictly national and municipal in its creation and sanctions, springs from the same sources whence all of the internal law of a particular State arises—from legislatures and the decisions of courts. We will then briefly consider these principal sources, or, if I may use the expression, fountains from which flow the streams of the *jus inter gentes*.

SEC. 33. (2) *Reason.* But the precepts of the moral law, either as contained in the written word, or as felt in the consciousness of the human race, are statements of broad, general principles; they are the germs, the fructifying powers; they must be developed, must be cast in a more practical and dogmatic form to meet the countless demands of each individual, and of the societies we call nations. To this end we must appeal to reason; and hence the second source which I have mentioned, namely, enlightened reason acting upon the abstract principles of morality. I can not now stop to illustrate this proposition; we shall meet many pertinent examples in the course of our investigations. I wish now, however, to dwell upon one fact of great importance—a fact which will help you to avoid many difficulties, to reconcile many discrepancies, to solve many uncertainties. This fact is, that an international law is mainly based upon the general principles of pure morality, and as its particular rules are mainly drawn therefrom, or are intended to be drawn therefrom, by reason, it is, as a science, the most progressive of any department of jurisprudence or legislation. The improvement of civilized nations in culture and refinement, the more complete understanding of rights and duties, the growing appreciation of the truth that what is right is also expedient, have told, and still do tell, upon it with sudden and surprising effect.

The result is that doctrines which were universally received a generation since are as universally rejected now; that precedents which were universally considered as binding a quarter of a century ago would at the present be passed by as without force, as acts which could not endure the light of more modern investigation. More particularly is this true in respect to the rules which define the rights of belligerents and neutrals. The latest works of European jurists are, as we shall see, conceived in a far different spirit from standard treatises of the former generation. It was the entire ignoring or forgetfulness of this evident and most benign fact by Mr. Senator Sumner, in the celebrated and elaborate speech which he delivered a few years since upon the international policy of England, that rendered the speech utterly useless as an argument, exposed it to the criticism of European jurists, and left it only a monument of unnecessary labor in raking up old precedents from history, which no civilized nation of our own day would quote or rely upon.

The Roman law, that wonderful result of reason working upon a basis of abstract right, is largely appealed to in international discussions, as containing rules which, at least by analogy, may serve to settle international disputes. No one can be an accomplished diplomatist without a familiar acquaintance with much of this immortal code.

[*Phillimore. International law, 1871, ch. III, pages 14-28.*]

XIX. * * * What are in fact the fountains of international jurisprudence?" * * *

XX. Grotius enumerates these sources as being "*ipsa natura, leges divine, mores, et pacta.*"

In 1753 the British Government made an answer to a memorial of the Prussian Government which was termed by Montesquieu *r  ponse sans r  plique*, and which has been generally recognized as one of the ablest expositions of international law ever embodied in a state paper. In this memorable document "The Law of Nations" is said to be founded upon justice, equity, convenience, and the reason of the thing and confirmed by long usage.

XXI. These two statements may be said to embrace the substance of all that can be said on this subject. * * *

XXII. Moral persons are governed partly by Divine law, * * * which includes natural law—partly, by positive instituted human law. * * *

States, it has been said, are reciprocally recognized as moral persons. States are therefore governed, in their mutual relations, partly by Divine and partly by positive law. Divine law is either (1) that which is written by the finger of God on the heart of man, when it is called natural law; or (2) that which has been miraculously made known to him. * * *

XXIII. The primary source, then, of international jurisprudence is Divine law.

XXVI. * * * Cicero maintains that God has given to all men conscience and intellect; that where these exist, a law exists, of which all men are common subjects. Where there is a *common law*, he argues, there is a *common right*, binding more closely and visibly upon the members of each separate state, but so knitting together the universe, "*ut iam universus hic mundus una civitas sit, communis Deorum atque hominum existimanda.*"

That law, this great jurist says, is immortal and unalterable by prince or people. * * *

XXXI. This would be called by many who have of late years written on the science, international *morality*; they would restrict the term *law* absolutely and entirely to the treaties, the customs, and the practice of nations.

If this were a mere question as to the theoretical arrangement of the subject of international law, it would be of but little importance.

* * * But it is of great practical importance to mark the subordination of the law derived from the consent of states to the law derived from God.

XXXII. * * * Another practical consequence is that the law derived from the consent of Christian states is restricted in its operation by the divine law; and just as it is not morally competent to any individual state to make laws which are at variance with the law of God, whether natural or revealed, so neither is it morally competent to any assemblage of states to make treaties or adopt customs which contravene that law.

Positive law, whether national or international, being only declaratory, may add to, but can not take from, the prohibitions of divine law. "*Civilis ratio civilia quidem jura corrumpere potest, naturalia non utique,*" is the language of Roman law; and is in harmony with the voice of international jurisprudence as uttered by Wolff: "*Absit vero, ut existimes, jus gentium voluntarium ab earum voluntate ita proficiasci, ut libera sit earum in eodem condendo voluntas, et stet pro ratione sola voluntas, nulla habita ratione juris naturalis.*"

XXXIII. This branch of the subject may be well concluded by the invocation of some high authorities from the jurisprudence of all countries in support of the foregoing opinion.

Grotius says emphatically: "*Nimirum humana jura MULTA constitue possunt PRÆTERE naturam, CONTRA nihil.*"

John Voet speaks with great energy to the same effect: "Quod si contra recte rationis dictamen gentes USU quædam introduxerint, NON ea jus gentium rectè dixeris, SED PESSIMAM POTIUS MORUM HUMANI GENERIS CORRUPTELAM."

Suarez, who has discussed the philosophy of law in a chapter which contains the germ of most that has been written upon the subject, says: "*Leges autem ad jus gentium pertinentes veræ leges sunt, ut explicatum manet, propinquiores sunt legi naturali quam leges civiles, ideoque impossibile est esse contrarias aequitati naturali.*"

Wolff, speaking of his own time, says: "Omnium ferè animos occupavit perversa illa opinio, QUASI FONS JURIS GENTIUM SIT UTILITAS PRO-
PRIA; unde contingit, id potentiae coequari. Damnamus hoc in privatis,
damnamus in rectore civitatis; sed AEQUE IDEM DAMNANDUM EST IN
GENTIBUS."

Mackintosh nobly sums up this great argument: "The duties of men, of subjects, of princes, of lawgivers, of magistrates, and of *states*, are all parts of one consistent system of universal morality. Between the most abstract and elementary maxim of moral philosophy, and the most complicated controversies of civil or public law, there subsists a connection. The principle of justice, deeply rooted in the nature and interest of man, pervades the whole system, and is discoverable in every part of it, even to its minutest ramification in a legal formality, or in the construction of an article in a treaty."

[Henry Sumner Maine, International Law, pages 13-47.]

In modern days the name of International Law has been very much confined to rules laid down by one particular class of writers. They may be roughly said to begin in the first half of the seventeenth century, and to run three parts through the eighteenth century. The names which most of us know are, first of all that of the great Hugo Grotius, followed by Puffendorf, Leibnitz, Zouch, Selden, Wolf, Bynker-shoek, and Vattel. The list does not absolutely begin with Grotius, nor does it exactly end with Vattel, and indeed, as regards the hither end of this series the assumption is still made, and I think not quite fortunately, that the race of law-creating jurists still exists. * * * Their [the writers named and a few others] system is that conventionally known as International Law.

A great part, then, of International Law is Roman law spread over Europe by a process exceedingly like that which a few centuries earlier had caused other portions of Roman law to filter into the interstices of every European legal system. The Roman element in International Law belonged, however, to one special province of the Roman system, that which the Romans themselves called natural law, or, by an alternative name, *Jus Gentium*. In a book published some years ago on "Ancient Law" I made this remark: "Setting aside the Treaty Law of Nations, it is surprising how large a part of the system is made up of pure Roman law. Wherever there is a doctrine of the Roman juris-consults affirmed by them to be in harmony with the *Jus Gentium*, the Publicists have found a reason for borrowing it, however plainly it may bear the mark of a distinctive Roman origin." * * *

Seen in the light of stoical doctrine the law of nations came to be identified with the law of nature; that is to say, with a number of sup-

posed principles of conduct which man in society obeys simply because he is man. Thus the law of nature is simply the law of nations seen in the light of a peculiar theory. A passage in the Roman institutes shows that the expressions were practically convertible. The greatest function of the law of nature was discharged in giving birth to modern international law. * * *

The impression that the Roman law sustained a system of what would now be called international law, and that this system was identical with the law of nature had undoubtedly much influence in causing the rules of what the Romans called natural law to be engrafted on, and identified with, the modern law of nations (page 28).

It is only necessary to look at the earliest authorities on international law, in the "De Jure Belli et Pacis" of Grotius for example, to see that the law of nations is essentially a moral and, to some extent, a religious system. The appeal of Grotius is almost as frequent to morals and religion as to precedent, and no doubt it is these portions of the book * * * which gained for it much of the authority which it ultimately obtained. (Page 47.)

[From Wheaton, International Law, part I, ch. 1, secs. 4, 14.]

The principles and details of international morality, as distinguished from international law, are to be obtained not by applying to nations the rules which ought to govern the conduct of individuals, but by ascertaining what are the rules of international conduct which, on the whole, best promote the general happiness of mankind.

International law, as understood among civilized nations, may be defined as consisting of those rules of conduct which reason deduces, as consonant to justice, from the nature of the society existing among independent nations; with such definitions and modifications as may be established by general consent.

[Kent's Commentaries, Part I, lect. 1, pages 2-4.]

* * * The most useful and practical part of the law of nations is, no doubt, instituted or positive law, founded on usage, consent, and agreement. But it would be improper to separate this law entirely from natural jurisprudence and not to consider it as deriving much of its force and dignity from the same principles of right reason, the same views of the nature and constitution of man, and the same sanction of divine revelation, as those from which the science of morality is deduced. There is a natural and a positive law of nations. By the former every state, in its relations with other states, is bound to conduct itself with justice, good faith, and benevolence; and this application of the law of nature has been called by Vattel the necessary law of nations, because nations are bound by the law of nature to observe it; and it is termed by others the internal law of nations, because it is obligatory upon them in point of conscience.

We ought not, therefore, to separate the science of public law from that of ethics, nor encourage the dangerous suggestion that governments are not so strictly bound by the obligations of truth, justice, and humanity, in relation to other powers, as they are in the management of their own local concerns. States or bodies politic are to be considered as moral persons, having a public will, capable and free to do right and wrong, inasmuch as they are collections of individuals, each of whom carries with him into the service of the community the same binding law of morality and religion which ought to control his conduct in pri-

vate life. The law of nations is a complex system, composed of various ingredients. It consists of general principles of right and justice, equally suitable to the government of individuals in a state of natural equality and to the relations and conduct of nations; of a collection of usages, customs, and opinions, the growth of civilization and commerce, and of a code of conventional or positive law.

In the absence of these latter regulations, the intercourse and conduct of nations are to be governed by principles fairly to be deduced from the rights and duties of nations and the nature of moral obligation; and we have the authority of the lawyers of antiquity, and of some of the first masters in the modern school of public law, for placing the moral obligation of nations and of individuals on similar grounds, and for considering individual and national morality as parts of one and the same science.

The law of nations, so far as it is founded on the principles of natural law, is equally binding in every age and upon all mankind. * * *

[Halleck, International Law, ch. II, sec. 13, page 50, and sec. 18, page 54.]

SEC. 13. It is admitted by all that there is no universal or immutable law of nations, binding upon the whole human race, which all mankind in all ages and countries have recognized and obeyed. Nevertheless, there are certain principles of action, a certain distinction between right and wrong, between justice and injustice, a certain divine or natural law, or rule of right reason, which, in the words of Cicero, "is congenial to the feelings of nature, diffused among all men, uniform, eternal, commanding us to our duty, and prohibiting every violation of it; one eternal and immortal law, which can neither be repealed nor derogated from, addressing itself to all nations and all ages, deriving its authority from the common Sovereign of the universe, seeking no other lawgiver and interpreter, carrying home its sanctions to every breast, by the inevitable punishment He inflicts on its transgressors."

It is to these principles or rule of right, reason, or natural law, that all other laws, whether founded on custom or treaty, must be referred, and their binding force determined. If, in accordance with the spirit of this natural law, or if innocent in themselves, they are binding upon all who have adopted them; but if they are in violation of this law, and are unjust in their nature and effects, they are without force. The principles of natural justice, applied to the conduct of states, considered as moral beings, must therefore constitute the foundation upon which the customs, usages, and conventions of civilized and christian nations are erected into a grand and lofty temple. The character and durability of the structure must depend upon the skill of the architect and the nature of the materials; but the foundation is as broad as the principles of justice, and as immutable as the law of God.

SEC. 18. The first source from which are deduced the rules of conduct which ought to be observed between nations, is the *divine law*, or principle of justice, which has been defined "a constant and perpetual disposition to render every man his due." The peculiar nature of the society existing among independent states, renders it more difficult to apply this principle to them than to individual members of the same state; and there is, therefore, less uniformity of opinion with respect to the rules of international law properly deducible from it, than with respect to the rules of moral law governing the intercourse of individual men. It is, perhaps, more properly speaking, the test by which the rules of positive international law are to be judged, rather than the

source from which these rules themselves are deduced. (Justinian, Institutes, lib. 1, tit. 1; Phillimore, On Int. Law, Vol. I, sec. 23; Dymond, Prin. of Morality, Essay 1, pt. 2, ch. 4; Manning, Law of Nations, pp. 57-58; Cotelle, Droit des Gens, pt. 1; Heineccius, Elementa Juris Nat. et Gent., lib. 1, cap. 1, sec. 12.)

[Woolsey: Introduction International Law, ed. 1892, sec. 15, page 14.]

SEC. 15. * * * But what are the rational and moral grounds of international law? As we have seen, they are the same in general with those on which the rights and obligations of individuals in the state and of the single state towards the individuals of which it consists, repose. If we define natural *jus* to be the science which from the nature and destination of man determines his external relations in society, both the question, What ought to be the rights and obligations of the individual in the state? and the question, What those of a state among states ought to be? fall within this branch of science. That there are such rights and obligations of *states* will hardly be doubted by those who admit that these relations of natural justice exist in any case. There is the same reason why they should be applied in regulating the intercourse of states as in regulating that of individuals.

There is a natural destination of states, and a divine purpose in their existence, which makes it necessary that they should have certain functions and powers of acting within a certain sphere, which external force may not invade. It would be strange if the state, that power which defines rights and makes them real, which creates *moral persons* or associations with rights and obligations, should have no such relations of its own—should be a physical and not a moral entity. In fact, to take the opposite ground would be to maintain that there is no right and wrong in the intercourse of states, and to leave their conduct to the sway of mere convenience.

[Wolff, quoted by Vattel, preface to seventh American ed., page ix.]

Nations do not, in their mutual relations to each other, acknowledge any other law than that which nature herself has established. Perhaps, therefore, it may appear superfluous to give a treatise on the law of nations as distinct from the law of nature. But those who entertain this idea have not sufficiently studied the subject. Nations, it is true, can only be considered as so many individual persons living together in the state of nature; and, for that reason, we must apply to them all the duties and rights which nature prescribes and attributes to men in general, as being naturally born free, and bound to each other by no ties but those of nature alone. The law which arises from this application, and the obligations resulting from it, proceed from that immutable law founded on the nature of man; and thus the law of nations certainly belongs to the law of nature; it is, therefore, on account of its origin, called the *natural*, and, by reason of its obligatory force, the *necessary*, law of nations. That law is common to all nations; and if any one of them does not respect it in her actions, she violates the common rights of all the others.

But nations or sovereign States being moral persons and the subjects of the obligations and rights resulting, in virtue of the law of nature, from the act of association which has formed the political body, the nature and essence of these moral persons necessarily differ, in many respects, from the nature and essence of the physical individuals, or

men, of whom they are composed. When, therefore, we would apply to nations the duties which the law of nature prescribes to individual man, and the rights it confers on him in order to enable him to fulfill his duties, since those rights and those duties can be no other than what are consistent with the nature of their subjects, they must, in their application, necessarily undergo a change suitable to the new subjects to which they are applied. Thus, we see that the law of nations does not, in every particular, remain the same as the law of nature, regulating the actions of individuals. Why may it not, therefore, be separately treated of as a law peculiar to nations?

[From "Des Droits et des Devoirs des Nations Neutres en Temps de Guerre Maritime," par L. B. Hautefeuille, 1848, vol. I, pages 46, 12 *et seq.* Translation.]

He (God) has given to nations and to those who govern them a law which they are to observe towards each other, an unwritten law, it is true, but a law which He has taken care to engrave in indelible characters in the heart of every man, a law which causes every human being to distinguish what is true from what is false, what is just from what is unjust, and what is beautiful from what is not beautiful. It is the divine or natural law; it constitutes what I shall call primitive law.

This law is the only basis and the only source of international law. By going back to it, and by carefully studying it, we may succeed in retracing the rights of nations with accuracy. Every other way leads infallibly to error, to grave, nay, deplorable error, since its immediate result is to blind nations and their rulers, to lead them to misunderstand their duties, to violate them, and too often to shed torrents of human blood in order to uphold unjust pretensions. The divine law is not written, it has never been formulated in any human language, it has never been promulgated by any legislator; in fact, this has never been possible, because such legislator, being man and belonging to a nation, was from that very fact without any authority over other nations, and had no power to dictate laws to them.

This lack of a positive text has led some publicists to deny the existence of the natural law, and to reject its application. They have based their action in so doing more particularly upon the different way in which each individual interprets that law, according as his organization is more or less perfect, more or less powerful, if I may thus express myself; hence, it results that this law is different for each individual and for each nation, that is to say, that it does not exist. One of these writers, in support of his denial of the natural law, lays down the principle that man brings nothing with him into this world except feelings of pain or pleasure, and inclinations that seek to be satisfied, which can never be entitled to the name of laws, since they vary according to the organization of each individual, because they are by no means the same among all nations and in all climates.¹

These opinions would perhaps have some appearance of reason if the natural law were represented as a written system of legislation or as a complete code similar to those which govern human society and the members who compose it. Then it might be said with Moser: "What

¹ What is natural in man is his feelings of pain or pleasure, his inclinations; but to call these feelings and inclinations laws, is to introduce a false and dangerous view and to put language in contradiction with itself, for laws must be made for the very purpose of repressing these inclinations. * * * (Jeremy Bentham, False Manner of Reasoning in Matters of Legislation.)

is this law which is so much talked about? Must we seek its principles in Grotius or Hobbes?"¹

Some one might ask to see that code which is destined to prevent all wars by foreseeing and condemning all unjust claims in advance. It is not thus, however, that the natural law is presented by those authors who have taken its teachings as the basis of their writings; they have never sought to give it a body or to put it in the form of a written law. What is true, and, in my opinion, incontestable, is that notions of what is just and what is unjust are found in all men; it is that all individuals of the human race that are in the enjoyment of reason have these notions graven upon their hearts, and that they bring with them into the world when they are born. These notions do not extend to all the details of law as do civil laws, but they have reference to all the most prominent points of law, if I may thus express myself.

It can not be denied that the idea of property is a natural and innate idea. The same is the case with the idea which impels every individual to exercise care for his own preservation with that which forbids men to enrich themselves at the expense of others; which imposes the obligation to repair a wrong done to one's fellow-man, to perform a promise made, etc., etc. These first and innate notions, which every man brings with him into the world when he is born, are the precepts of the natural law; and human laws are all the more perfect the nearer they approach to these divine precepts. The natural or divine law is the only one that can be applied among nations—among beings free from every bond and having no interest in common.

From these general rules of divine law it is easy to form secondary laws having for their object the settlement of all questions that can arise among all the peoples of the universe. To cite but a single example, it is evident that from the principle of the law emanating from God, that every nation is free and independent of every other nation (which principle is recognized by all men), this consequence results, which is necessary and absolute, as is the principle itself, viz: That every nation may freely exchange its superfluous possessions, trade with whomsoever it may choose to seek in order to make such exchange and to carry on such trade, without being under any necessity of applying for the permission of a third nation. The only condition that it must fulfill is that it must obtain the consent of the other party to the contract. It need not trouble itself about the annoyance that such exchange may cause a third nation, provided such trade does not interfere with the positive and natural rights of such nation.

This second rule gives rise to several others which are as clear and absolute as it is itself. In a word, all international law is the outgrowth of natural and primitive law. Viewed in this light, it seems to me impossible to dispute the existence of the primitive law; it is a kind of mathematical truth, and I do not fear to reply to Moser; the principles of this law are not only in Grotius and Hobbes, but they are in the hearts of all men, they are in the heart of you who ask where they are found.

International law is, therefore, based upon the divine and primitive law; it is all derived from this source. By the aid of this single law, I firmly believe that it is not only possible, but even easy, to regulate all relations that exist or may exist among the nations of the universe. This common and positive law contains all the rules of justice; it exists

¹ (Moser, "Essai sur le droit des gens des plus modernes des nations européennes en paix et en guerre, 1778-1780.")

independently of all legislation of all human institutions, and it is one for all nations. It governs peace and war, and traces the rights and duties of every position. The rights which it gives are clear, positive, and absolute; they are of such a nature as to reciprocally limit each other without ever coming into collision or contradiction with each other; they are correlative to each other, and are coordinated and linked with the most perfect harmony. It can not be otherwise. He who has arranged all the parts of the universe in so admirable a manner, the Creator of the world, could not contradict himself.

* * * * *

The natural law is, from its very nature, always obligatory. The treaties which recall its provisions and regulate their application must necessarily have the same perpetuity, since, even if they should cease to exist, the principles would not cease to be executory just as they were when the stipulations were in force. * * *

Certain usages have become established among civilized nations without ever having been written in any treaty, and without ever having formed the subject of any special and express agreement. These usages, few in number, in harmony with primitive law, whose application they serve to regulate, form a part of international law which might be called the law of custom; it seems to me preferable to consider them as a part of secondary law.

[From "Le Droit de la Nature et des Gens," par le Baron de Pufendorf, traduit du Latin par Jean Barbeyrac. 5th ed., Vol. 1, Book 2, chap. 3, sec. 23, pages 243 *et seq.* Translation.]

Finally, we must further examine here, whether there is a positive law of nations, different from the natural law. Learned men are not well agreed on this subject. Many think that the natural law and the law of nations are, in point of fact, but one and the same thing, and that they differ in name only. Thus, Hobbes divides the natural law into natural law of man and natural law of states. The latter, in his opinion, is what is called the law of nations. "The maxims," adds he, "of both these laws are precisely the same; but as states, as soon as they are found, acquire, to a certain extent, personal characteristics, the same law that is called natural, when the duties of private individuals are mentioned, is called the law of nations when reference is made to the whole body of a state or nation."

I fully subscribe to this view, and I recognize no other kind of voluntary or positive international law, at least none having force of law, properly so called, and binding upon nations as emanating from a superior. There is, in fact, no variance between our opinion and that of certain learned men who regard that which is in harmony with a reasonable nature as belonging to natural law, and that which is based upon our needs, which can not be better provided for than by the laws of sociability, as belonging to the law of nations. For we maintain simply that there is no positive law of nations that is dependent upon the will of a superior. And that which is a consequence of the needs of human nature should, in my opinion, be referred to the natural law. If we have not thought proper to base this law upon the agreement of the things which are its object, with a reasonable nature, this was in order not to establish in reason itself the rule of the maxims of reason, and to avoid the circle to which is reduced the demonstration of the natural laws by this method.

Moreover, the majority of the things which the Roman jurisconsults and the great body of learned men refer to the law of nations, such

as the different kinds of acquisition, contracts, and other similar things, either belong to the natural law or form part of the civil law of every nation. And, although in regard to those things which are not based upon the universal constitution of the human race, the laws are the same among the majority of the nations, no particular kind of law results from this, for it is not in virtue of any agreement or of any mutual obligation that these laws are common to several peoples, but purely and simply from an effect of the particular will of the legislators of each State, who have by chance agreed in ordering or forbidding the same things. Hence it is that a single people can change these laws of its own accord without consulting others, as has frequently been done.

We must not, however, absolutely reject the opinion of a modern writer, who claims that the Roman jurisconsults understand by law of nations that law which concerns those acts which foreigners could perform, and the business which they could validly transact in the states belonging to the Roman people, in contrast with the civil law that was particular to Roman citizens. Hence it was that wills and marriages, which were valid among citizens only were referred to civil law, while contracts were considered as coming under the law of nations, because foreigners could make them with citizens in such a manner that they were valid before the Roman courts of justice. Many also apply the name law of nations to certain customs, especially in matters relating to war, which are usually practiced by a kind of tacit consent, among the majority of nations, at least among those that pride themselves on having some courtesy and humanity.

In fact, inasmuch as civilized nations have attached the highest glory to distinction in war; that is to say, to daring and knowing how skillfully to cause the death of a large number of persons, which has in all ages given rise to many unnecessary or even unjust wars, conquerors, in order not to render themselves wholly odious by their ambition, have thought proper, while claiming every right that one has in a just war—have thought proper, I say, to mitigate the horrors of war and of military expeditions by some appearance of humanity and magnanimity. Hence the usage of sparing certain kinds of things and certain classes of persons, of observing some moderation in acts of hostility, of treating prisoners in a certain way, and other similar things. Yet while such customs seem to involve some obligation, based at least upon a tacit agreement, if a prince in a just war fails to observe them, provided that by taking an opposite course he does not violate natural law, he can be accused of nothing more than a kind of discourtesy, in that he has not observed the received usage of those who regard war as being one of the liberal arts; just as among fencing masters, one who has not wounded his man according to the rules of art is regarded as an ignorant person.

Thus, so long as none but just wars are carried on, the maxims of natural law alone may be consulted, and all the customs of other nations may be set at naught unless one is interested in conforming thereto, so as to induce the enemy to perform less rigorous acts of hostility against us and against our party. Those, however, who undertake an unjust war, do well to follow these customs, so as to maintain at least some moderation in their injustice. As, however, these are not reasons that are generally to be considered, they can constitute no universal law, obligatory upon all nations; especially since in all things that are only based upon tacit consent anyone may decline to be bound by them by expressly declaring that he will not be so bound, and that he is willing that others should not be thereby bound in their dealings with him.

We observe that not a few of these customs have, in course of time been abolished, and that in some cases directly opposite customs have been introduced.

In vain has a certain writer impugned our opinion as if it were subversive of the foundations of the safety, advantage, and welfare of nations; for all that is not dependent upon the customs just referred to, but upon the observance of the natural law, which is a much more solid principle and one deserving of much greater respect. If its rules are carefully observed, mankind will not have much need of these customs. Moreover, by basing a custom upon the maxims of natural law, a much more noble origin is given it, and also much greater authority than if it were made to depend upon a mere agreement among nations.

[Ortolan. International Rules and Diplomacy of the Sea. Paris, 1864, vol. I, book I, ch. IV., page 71. Translation.]

It is apparent that nations not having any common legislator over them have frequently no other recourse for determining their respective rights but to that reasonable sentiment of right and wrong, but to those moral truths already brought to light and to those which are still to be demonstrated. This is what is meant when it is said that natural law is the first basis of international law. This is why it is important that Governments, diplomats, and publicists that act, negotiate, or write upon such matters should have deeply (rooted) in themselves this sentiment of right and of wrong which we have just defined, as well as the knowledge of the point of certainty (*point de certitude*) where the human mind has been able to attain this order of truths.

But nations are not reduced only to that light, too often uncertain of human reason, for defining their reciprocal rights. Experience, imitation of accomplished precedents, and long practical usage habitually and generally observed add to it what is termed a *custom* which forms the rule of international conduct and from which flows on one or the other side positive rights (*adroits*). The binding force of custom is founded on consent, the tacit agreement, of nations. Nations have thus tacitly agreed among themselves, and they have bound themselves through this tacit agreement, for the reason that they have practiced it so long and so generally.

The supremacy of custom is much more frequently exercised and much more extensive in international law than in private law; precisely because in international law there is no common legislator to restrain such supremacy by formulating the rule of conduct in writing. Custom is often conformable to the light of reason upon that which is right or wrong because it emanates from communities or collections of reasonable beings; but frequently also it is contrary to it, because the reason of man, individual or collective, is subject to error; finally, it tends more and more intimately to approach it, because the path of man, an essentially perfectible being, is a path of improvement and progress.

* * * * *

It must be stated that treaties, far from justifying the exclusion of moral truths of what is right or wrong, among nations, which one wishes to deduce from them, precisely only obtain their binding force but from one or the other of those truths. It is because the natural sentiment of right dictates to all that a regular agreement of independent wills between qualified persons on allowable subjects and cases binds the contracting parties to each other, it is therefore that treaties

are recognized as obligatory. They only draw, therefore, their fundamental authority except from natural law, employing for an instant this term, the sense of which we have before explained. And it is also from natural law that is generally deduced the idea of the necessary conditions to establish the validity of treaties, and that of the legitimate consequences ensuing from their violation.

[From "A Methodical System of Universal Law," by J. G. Heineccius (Turnbull's Translation), vol. I., ed. 1763.]

SEC. XII, page 8: The law of nature, or the natural rule of rectitude, is a system of law promulgated by the eternal God to the whole human race by reason. But if you would rather consider it as a science, natural morality will be rightly defined the practical habit of discovering the will of the supreme legislator by reason, and of applying it as a rule to every particular case that occurs. Now, because it consists in deducing and applying a rule coming from God, it may be justly called *divine jurisprudence*.

SEC. XXI, page 14: *Since the law of nature comprehends all the laws promulgated to mankind by right reason; and men may be considered either as particulars singly, or as they are united in certain political bodies or societies; we call that *law*, by which the actions of particulars ought to be governed, the *law of nature*, and we call that the *law of nations*, which determines what is just and unjust in society or between societies. And therefore the precepts, or the laws of both are the same; nay, the *law of nations* is the law of nature itself, respecting or applied to social life and the affairs of societies and independent states.

SEC. XXII, page 15: Hence we may infer, that the law of nature doth not differ from the law of nations, neither in respect of its foundation and first principles, nor of its rules, but solely with respect to its object. Wherefore their opinion is groundless, who speak of, I know not what, law of nations distinct from the law of nature. The positive or second ary law of nations devised by certain ancients, does not properly belong to that law of nations we are now to treat of, because it is neither established by God, nor promulgated by right reason; it is neither common to all mankind nor unchangeable.

[From Vattel on the Law of Nations, seventh American ed., 1849.]

There certainly exists a natural law of nations since the obligations of the law of nature are no less binding on states, on men united in political society, than on individuals. But, to acquire an exact knowledge of that law, it is not sufficient to know what the law of nature prescribes to the individuals of the human race. The application of a rule to various subjects, can no otherwise be made than in a manner agreeable to the nature of each subject. Hence, it follows, that the natural law of nations is a particular science, consisting in a just and rational application of the law of nature to the affairs and conduct of nations or sovereigns. (Preface, page v.)

The moderns are generally agreed in restricting the appellation of "The Law of Nations" to that system of right and justice which ought to prevail between nations or sovereign states. (Preface, page VI.)

The necessary and the voluntary law of nations are therefore both established by nature, but each in a different manner; the former as a sacred law which nations and sovereigns are bound to respect and follow in all their actions; the latter, as a rule which the general welfare

and safety oblige them to admit in their transactions with each other. The necessary law immediately proceeds from nature; and that common mother of mankind recommends the observance of the voluntary law of nations, in consideration of the state in which nations stand with respect to each other, and for the advantage of their affairs. (Preface, page XIII.)

As men are subject to the law of nature—and as their union in civil society can not have exempted them from the obligation to observe those laws, since by that union they do not cease to be men, the entire nation, whose common will is but the result of the united wills of the citizens, remains subject to the *laws of nature*, and is bound to respect them in all her proceedings. (Page LVI., sec. 5.)

"We must, therefore, apply to nations the rules of the law of nature, in order to discover what their obligations are, and what their rights: consequently, the *law of nations* is originally no other than the *law of nature applied to nations*." (Page LVI., sec. 6.)

[From G. F. von Martens, *Law of Nations*, page 2 of Introduction. (German.) Translated by William Cobbet, 4th ed., 1829.]

The second sort of obligations are those which exist between nations. Each nation being considered as a moral being, living in a state of nature, the obligations of one nation towards another are no more than those of individuals, modified and applied to nations; and this is what is called the *natural law of nations*. It is *universal* and *necessary*, because all nations are governed by it, even against their will. This law, according to the distinction between perfect and imperfect, is perfect and external (the law of nations, strictly speaking), or else imperfect and internal, by which last is understood the morality of nations.

[Sec. 2 of the Positive Law of Nations.]

It is hardly possible that the simple law of nature should be sufficient even between individuals, and still less between nations, when they come to frequent and carry on commerce with each other. Their common interest obliges them to soften the rigor of the law of nature, to render it more determinate, and to depart from that perfect equality of rights, which must ever, according to the law of nature, be considered as extending itself even to the weakest. These changes take place in virtue of conventions (express or tacit) or of simple custom. The whole of the rights and obligations, thus established between two nations, form the positive law of nations between them. It is called *positive*, particular, or arbitrary, in opposition to the natural, universal, and necessary law.

[From Jan Helenus Ferguson, Dutch, but apparently written in English, "Manual of International Law" (1884), Vol. I, Part I, Ch. III, sec. 21, page 66.]

International law, being based on international morality, depends upon the state of progress made in civilization. Hence arises the difficulty of giving an all-comprehending definition to international law. What *ought* to be permanently understood among civilized nations as the main principles and the basis of their mutual intercourse, we have noted already to be the moral law of nature. But we have also seen that the spirit of law is the practical medium through which this general law influences humanity at all the stages of progress on the road to civilization.

Investigating thus this spirit of law, we find the definition of international law to consist in certain rules of conduct which reason, prompted by conscience, deduces as consonant to justice, with such limitations and modifications as may be established by general consent, to meet the exigencies of the present state of society as existing among nations and which modern civilized states regard as binding them in their relations with one another, with a force comparable in nature and degree to that binding the conscientious person to obey the laws of his country.

[From "Le Droit Public International Maritime," par Carlos Testa (Portuguese), translated by H. Bontiron, 1886, part I, chap. 1, pages 46 et seq.]

Force may constitute, in physical matters, the superiority of one individual over another; but reason and conscience establish, in moral matters, other means which are controlled by the notion of duty and right. It is the whole body of these precepts, which are just, necessary, and immutable, for every reasoning being, and graven by God in the human conscience, that constitutes the natural or primitive law. The object of a law regulating the conduct of men is to impose moral obligations or to authorize certain acts from which advantages may result.

In the former case the law establishes the duty; in the latter it considers the right. The natural or primitive law, when it designates the duties that it imposes, at once establishes the correlative duties which are its outgrowth, and which constitute the principles of natural or primitive law.

The science of natural law is therefore based upon the principles of that intuitive law which, while giving the ability to practice that which is morally just, establishes the principles to be observed in the relations between one individual and another for the different hypotheses of social life.

Duty is a matter of precept, while right is optional; yet right and duty are essentially correlative; and in the reciprocal relations between one individual and another, that which constitutes a duty for one, establishes a right for another. The same is the case in the mutual relations of collective bodies.

It is an axiom which results from the study of the moral nature of man that alone and isolated he cannot attain his welfare, and that sociability is a condition which is by nature necessary to enable him to attain his highest advantage. This natural cause has produced the family, a social element which determines the formation of nations.

Now, natural law, which is essentially connected with human nature, and which prescribes certain principles that are to control the reciprocal relations between one individual and another, is likewise and for the same reason applicable to the relations existing among collective bodies of individuals, which constitute so many moral entities. It is, therefore, the common law of association—that is to say, of nationalities.

This application of the precepts of natural law, which obliges nations to practice the same duties that it prescribes for individuals, constitutes the law of nations, which, when considered according to its origin (which is based upon natural law), is also called the primitive or necessary law of nations.

Respect for the law of nations is consequently as obligatory among nations as is respect for natural law among individuals.

From the fact that the various civil societies which form nations or states, are independent, it results that the internal laws which constitute the public law of some can not be extended to the others—that is to

say, the internal public law of each nation or state can not be regarded as an external and absolute law, to which others must submit.

Hence it results that, in order to fix the limits at which the law of nations stops, it is absolutely necessary to have recourse to the various elements that can give it birth. These elements are:

1. The general principles of natural law, constituting the primitive law which is the outgrowth of the presumable consent of nations;
2. The law of custom, constituting the secondary law that emanates from tacit consent;
3. Conventional law, likewise constituting the secondary law which arises from expressed consent.

The origins of international law are therefore three in number:

1. The reason and the conscience of what is just and unjust, independent of any prescription;
2. Custom;
3. Public treaties.

The principles, practices, and usages of the law of nations, in accordance with these limits, regulate the conduct of nations, and it is for this reason that in their generality they constitute international law.

Conventional law may abrogate the law of custom, but it loses its character as a law if it establishes provisions at variance with natural law.

Although in the philosophical order natural law occupies the first place, yet in the practical order of external relations, when questions are to be decided or negotiations conducted, its rank is no longer the same; in these cases the obligations contracted in the name of conventional law, in virtue of existing treaties, are considered in the first place. If such treaties are lacking, the law of custom establishes the rule; and when there are neither treaties to invoke nor customs to follow, it is usual to proceed in accordance with what reason establishes as just, and with the simple principle of natural law.

When external public law derives its origin from the law of convention and custom, it constitutes what publicists designate as positive or secondary international law; when it is derived merely from the principles of natural law, it is called the primitive law of nations.

[From Burlamaqui "The Principles of Natural and Politic Law." Translated by Nugent, 1823, Part II, ch. vi, pages 135, 136.]

IV. All societies are formed by the concurrence or union of the wills of several persons with a view of acquiring some advantage. Hence it is that societies are considered as bodies, and receive the appellation of moral persons. * * *

V. This being supposed, the establishment of states introduces a kind of society amongst them, similar to that which is naturally between men; and the same reasons which induce men to maintain union among themselves, ought likewise to engage nations or their sovereigns to keep up a good understanding with one another.

It is necessary, therefore, there should be some law among nations to serve as a rule for mutual commerce. Now this law can be nothing else but the law of nature itself, which is then distinguished by the name of the law of nations. *Natural law*, says Hobbes, very justly (De Cive, cap. 14, sec. 4), is divided into the natural law of man and the natural law of states; and the latter is what we call law of nations. Thus natural law and the law of nations are in reality one and the same thing, and differ only by an external denomination. We must therefore say that the law of nations, properly so called, and considered as a law proceeding from a superior, is nothing else but the law of na-

ture itself, not applied to men, considered simply as such, but to nations, States, or their chiefs, in the relations they have together, and the several interests they have to manage between each other.

VI. There is no room to question the reality and certainty of such a law of nations obligatory of its own nature, and to which nations, or the sovereigns that rule them, ought to submit. For if God by means of right reason imposes certain duties between individuals, it is evident he is likewise willing that nations, which are only human societies, should observe the same duties between themselves. (See ch. v, sec. 8.)

SEC. IX. * * * There is certainly an universal, necessary, and self-obligatory law of nations, which differs in nothing from the law of nature, and is consequently immutable, insomuch that the people or sovereigns can not dispense with it, even by common consent, without transgressing their duty. There is, besides, another law of nations which we may call arbitrary and free, as founded only on an express or tacit convention, the effect of which is not of itself universal, being obligatory only in regard to those who have voluntarily submitted thereto, and only so long as they please, because they are always at liberty to change or repeal it. To this we must likewise add that the whole force of this sort of law of nations ultimately depends on the law of nature, which commands us to be true to our engagements. Whatever really belongs to the law of nations may be reduced to one or other of these two species; and the use of this distinction will easily appear by applying it to particular questions which relate either to war, for example, to ambassadors, or to public treaties, and to the deciding of disputes which sometimes arise concerning these matters between sovereigns.

SEC. X. It is a point of importance to attend to the origin and nature of the law of nations, such as we have now explained them. For, besides that it is always advantageous to form just ideas of things, this is still more necessary in matter of practice and morality. It is owing perhaps to our distinguishing the law of nations from natural law, that we have insensibly accustomed ourselves to form quite a different judgment between the actions of sovereigns and those of private people. Nothing is more usual than to see men condemned in common for things which we praise, or at least excuse in the persons of princes. And yet it is certain as we have already shown, that the maxims of the law of nations have an equal authority with those of the law of nature, and are equally respectable and sacred, because they have God alike for their author. In short, there is only one sole and the same rule of justice for all mankind. Princes who infringe the law of nations commit as great a crime as private people who violate the law of nature; and if there be any difference in the two cases, it must be charged to the prince's account, whose unjust actions are always attended with more dreadful consequences than those of private people.

Other citations might be added almost indefinitely. The following references may be added:

F. de Martens, Int. Law, Paris, 1883, Vol. 1, pages 19, 20; Li. R. P. Tuparelli d'Azeglio, de la Compagnie de Jésus, Traduit de l'Italien, deux ed. tome II, ch. 2; Grotius De Jure, Belli ac Pacis, Proleg; Heffter, Int. Law of Europe, page 2; Bluntschli, Le Droit Int. Codifié, pages 1, 2; Pasquale Fiore, book 1, ch. 1; Ahrens, Course of Natural Law and The Philosophy of Law, Vol. II, book III, ch. 1; M. G. Masse, Commercial Law in its Relations to the Law of Nations, etc., Paris, 1874, book 1, Lib. II, ch. 1, page 33; Louis Renault, Introduction à l'Étude du Droit International, Paris, 1879, pages 13, 14.

SECOND.

THE ACQUISITION BY RUSSIA OF JURISDICTIONAL OR OTHER RIGHTS OVER BERING SEA AND THE TRANSFER THEREOF TO THE UNITED STATES.

The first four questions submitted to the High Tribunal by the Treaty are these:

1. What exclusive jurisdiction in the sea now known as the Behring's Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?
2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?
3. Was the body of water now known as the Behring Sea included in the phrase 'Pacific Ocean,' as used in the treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Behring Sea were held and exclusively exercised by Russia after said treaty?
4. Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Bering Sea east of the water boundary in the treaty between the United States and Russia of the 30th of March, 1867, pass unimpaired to the United States under that treaty?

The learned Arbitrators may have themselves had occasion to observe, and, if not, it will at an early stage in the discussion of this controversy become manifest to them, that in the consideration by writers upon international law and by learned judges administering that law, of the authority which nations may exercise upon the high seas, two subjects, essentially distinct, have been habitually confounded, and have not, even at this day, been clearly separated and defined. One is the exercise of the sovereign right of making laws operative upon the high seas and binding as well upon foreigners as citizens, which right must necessarily be limited by some definite boundary line. The other is the protection afforded by a nation to its property and other rights by reasonable and necessary acts of power against the citizens of other nations whenever it may be necessary on the high seas without regard to any boundary line. Much of this confusion has arisen and been fostered by the lack of precision in the meaning of words. The term "jurisdiction" has from the first been indifferently employed to denote both things. It has thus become a word of ambiguous import.

These two subjects may appear to have been to some extent confounded, or blended, in the minds of the negotiators of the treaty, for the four questions now about to be considered appear, at first view, to embrace both. The Tribunal is called upon to determine, on the one hand, what *exclusive jurisdiction in Bering Sea* Russia has asserted and exercised, which may not unreasonably be viewed as referring to the exercise of the sovereign power of legislation over that sea, tantamount to an extension of territorial sovereignty.

It is also called upon to determine what exclusive right in the "seal fisheries" in Bering Sea Russia asserted and exercised prior to the cession to the United States—a totally different question—although a decision of it, affirming the exclusive right, might carry with it, as a consequence, the right to protect such fisheries by a reasonable exercise of national power anywhere upon the seas where such exercise might be necessary.

And yet it is not probable that the negotiators, even if the two questions were to them distinctly in view, really intended to assign a distinct and separate importance to the *first*. The *real controversy* was upon the *second*, and the *first* was intended to be included, only so far as it might have a bearing upon the second. This is quite manifest from the circumstance that in neither of the four questions is the first of the two rights or claims stated alone and apart from the other; and still more from the language of the second question, which clearly implies that the claim of a right to exercise authority on the sea in defense of a property interest is the one principally intended to be submitted. The language is as follows: "How far were *these* claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain." This language clearly shows that the Russian claims of exclusive jurisdiction designed to be submitted to the Tribunal were such only as asserted a right to protect the sealing interest of Russia by action upon Bering Sea. And there is nothing in the diplomatic correspondence which led up to the treaty disclosing any assertion on the part of the United States to the effect that Russia had ever gained any right of exclusive legislation over that sea. On the contrary, such assertion had been emphatically disclaimed.

It is by no means intended in what has been said that the question what authority on Bering Sea, or, to use the ambiguous word, what "jurisdiction" in Bering Sea, Russia had asserted and exercised in relation to her sealing interests, is unimportant. That question, although

in no sense a vital one, has a material bearing, and was designed to be embraced by the arbitration. The question whether property rights and interests exist, is one thing; the question what the nation to which they belong may, short of an exercise of the sovereign power of exclusive legislation, do by way of protecting them, is another; and both are by the treaty submitted to the Tribunal. Should it appear that Russia had for nearly a century actually asserted and exercised an authority in Bering Sea for the purpose of protecting her sealing interests, and that Great Britain had never resisted or disputed it, it would be quite too late for her now to draw the reasonableness of it into question.

A studied effort is made in the Case of Great Britain to make it appear that the United States have shifted their ground from time to time in relation to the subject of this controversy, by first asserting that Bering Sea was *mare clausum*; then by setting up an exclusive jurisdiction over an area with a radius of 100 miles around the Pribilof Islands; and, lastly, by abandoning both those positions, and asserting a property interest in the herds of seals. This appears from the deliberate statement which closes the Seventh Chapter of the Case of Great Britain, as follows:

The facts stated in this chapter show:

'That the original ground upon which the vessels seized in 1886 and 1887 were condemned, was that Bering Sea was a *mare clausum*, an inland sea, and as such had been conveyed, in part, by Russia to the United States.

That this ground was subsequently entirely abandoned, but a claim was then made to exclusive jurisdiction over 100 miles from the coastline of the United States' territory.

That subsequently a further claim has been set up to the effect that the United States have a property in and a right of protection over fur-seals in nonterritorial waters.

It will be necessary, in order to expose the error of this statement, to briefly review the several stages of the controversy, and draw attention to the grounds upon which the Government of the United States has taken its positions.

It was in September, 1886, that the attention of that Government was first called by Sir L. S. Sackville-West, Her Majesty's minister at Washington, to a reported seizure in Bering Sea of three British sealing vessels by a United States cruiser. Information only respecting the affair was at first asked for, and considerable delay occurred in procuring it; but, prior to September, 1887, copies of the records from the United States District Court of Alaska of the seizure and condemnation of these vessels had been furnished to the British Government. It appeared

from these that the seizures were made in Bering Sea at a greater distance than three miles from the land; and thereupon Lord Salisbury, apparently assuming that the statutes of the United States which authorized the seizures, were based upon some supposed jurisdiction over Bering Sea acquired from Russia, addressed a note to Sir L. S. Sackville-West, in which he called attention to the Russian ukase of 1821, which asserted a peculiar right in that sea, the objections of the United States and Great Britain to that assertion, and the treaties between those two nations, respectively, and Russia of 1824 and 1825, and insisted that these documents furnished evidence conclusively showing that the seizures were unlawful.¹

The United States Government did not then reply to the point thus raised; but its first attitude in relation to the matter was to suggest, by notes addressed to the different maritime nations, that a *peculiar property interest* was involved, which might justify the United States Government in exercising *an exceptional marine jurisdiction*; but that inasmuch as the race of fur-seals was of great importance to commerce and to mankind, it seemed the part of wisdom for the nations to consider whether some concurrent measures might not be agreed to which would, at the same time, preserve the seals and dispose of the cause of possible controversy.² The *first* attitude, therefore, taken by the United States was the suggestion of a *property interest*, and of an exceptional maritime right to protect it by preventing the destruction of the seals; but that all nations ought to unite in measures which would preserve them, and thus avoid occasion for controversy concerning the right.

On the 22d of January, 1890, Mr. Blaine, who had succeeded Mr. Bayard as Secretary of State, had occasion to make answer, in a note to Sir Julian Pauncefote, to further complaints on the part of the British Government concerning the course of the United States cruisers in intercepting Canadian vessels while engaged in taking fur-seals in the waters of Bering Sea. In the outset of his communication Mr. Blaine begins by pointing out that it is unnecessary to discuss any question of exclusive jurisdiction in the United States over the waters of that sea, because there were other grounds upon which the course of the United States was, in his opinion, fully justified. He thus expresses himself:

In the opinion of the President, the Canadian vessels arrested and detained in the Behring Sea were engaged in a pursuit that was in itself

¹ Case of the United States. Appendix, Vol. I, p. 162.

² Case of the United States. Appendix, Vol. I, p. 163.

contra bonos mores, a pursuit which of necessity involves a serious and permanent injury to the rights of the Government and people of the United States. To establish this ground it is not necessary to argue the question of the extent and nature of the sovereignty of this Government over the waters of the Behring Sea; it is not necessary to explain, certainly not to define, the powers and privileges ceded by His Imperial Majesty the Emperor of Russia in the treaty by which the Alaskan territory was transferred to the United States. The weighty considerations growing out of the acquisition of that territory, with all the rights on land and sea inseparably connected therewith, may be safely left out of view, while the grounds are set forth upon which this Government rests its justification for the action complained of by Her Majesty's Government.

Mr. Blaine then proceeds to point out that long before the acquisition of Alaska by the United States the fur-seal industry had been established by Russia upon the Pribilof Islands, and that while she had control over them, her possession and enjoyment thereof were in no way disturbed by other nations; that the United States, since the cession of 1867, had continued to carry on the industry, cherishing the herd of fur-seals on those islands and enjoying the advantage thereof; that in the year 1886, vessels, mostly Canadian, were fitted out for the purpose of taking seals in the open sea, and that the number of vessels engaged in the work had continually increased; that they engaged in an indiscriminate slaughter of the seals, very injurious to the industry prosecuted by the United States, and threatening the extermination, substantially, of the species. He insisted that the ground upon which Her Majesty's Government was disposed to defend these Canadian vessels, viz., that their acts of destruction were committed at a distance of more than three miles from the shore line, was wholly insufficient; that to exterminate an animal useful to mankind was in itself in a high degree immoral, besides being injurious to the interests of the United States; that the "law of the sea is not lawlessness," and that the liberty which it confers could not be "perverted to justify acts which are immoral in themselves, and which inevitably tend to results against the interests and against the welfare of mankind."

It is, therefore, entirely clear that Mr. Blaine improved the first occasion upon which he was called upon to refer to the subject, to place the claims of the United States distinctly on the ground of a *property interest*, which could not be interfered with by other nations upon the high seas by practices which in themselves were essentially immoral and contrary to the law of nature.¹

¹ Mr. Blaine to Sir Julian Pauncefote, Case of the United States, Appendix, Vol. I, p. 200.

This correspondence was followed by further diplomatic communications looking to the establishment of regulations designed to restrict pelagic sealing; and on the 22d of May, 1890, the Marquis of Salisbury addressed a note to Sir Julian Pauncefote, in the nature of an answer to the note last above mentioned from Mr. Blaine, and it appears from this, very clearly, that he did not misunderstand the positions taken by Mr. Blaine. He thus expresses himself:

Mr. Blaine's note defends the acts complained of by Her Majesty's Government on the following ground:

1. That "the Canadian vessels arrested and detained in the Behring Sea were engaged in a pursuit that is in itself *contra bonos mores*—a pursuit which of necessity involves a serious and permanent injury to the rights of the Government and people of the United States".

2. That the fisheries had been in the undisturbed possession and under the exclusive control of Russia from their discovery until the cession of Alaska to the United States in 1867, and that from this date onwards until 1886 they had also remained in the undisturbed possession of the United States Government.

3. That it is a fact now held beyond denial or doubt that the taking of seals in the open sea rapidly leads to the extinction of the species, and that therefore nations not possessing the territory upon which seals can increase their numbers by natural growth should refrain from the slaughter of them in the open sea.

Lord Salisbury, in this note, insists that whatever may be the value of the industry to the United States, they would not be authorized in preventing by force the practice of pelagic sealing; but he does not choose to enter into any discussion of the question whether the indiscriminate slaughter of seals manifestly tending to the extermination of the species could be justified. His lordship, however, in answer to the alleged exclusive monopoly of Russia in the fur-seal industry, referred to the Russian ukase of 1821, as if Mr. Blaine had insisted upon claims similar to those advanced in that document, and quoted some language from a communication of Mr. John Quincy Adams, when Secretary of State, to the United States minister in Russia, contesting the pretension set up in the ukase.¹

Meanwhile further diplomatic communications were taking place in relation to the establishment of restrictions designed to limit the practice of pelagic sealing and prevent, in some measure at least, its destructive operation; and it would seem that these efforts had been nearly successful, and would have been entirely consummated, but for objections interposed on the part of Canada.²

¹ Case of the United States, Appendix, Vol. I, p. 207.

² Case of the United States, Appendix, Vol. I, pp. 212-224.

On the 30th of June, 1890, Mr. Blaine addressed a note to Sir Julian Pauncefote in which he referred to Lord Salisbury's note, above mentioned, of May 22, and especially to the passage quoted in it from the communication of Mr. John Quincy Adams to the American minister in Russia, in which the pretensions advanced by Russia in the ukase of 1821 were resisted. He endeavored, in an argument of some length, to show that the claim set up by Russia in 1821 to a peculiar jurisdiction had not been surrendered by the treaties of 1824 and 1825 with the United States and Great Britain, respectively, so far as related to Bering Sea, and had not been otherwise abandoned. He insisted that the ukase of 1821, while not designed to declare the Bering Sea to be *mare clausum*, assumed to exclude, for certain purposes at least, other nations from a space on the high seas to the distance of 100 miles from the shore, and that this pretension on the part of Russia had never been surrendered or abandoned, and had been, in substance, acquiesced in by other nations, and in particular by Great Britain.¹

The views thus expressed by Mr. Blaine, which were really not essential to the main controversy, and were drawn from him by the reference which Lord Salisbury had made to the Russian ukase of 1821, and the subsequent protests, negotiations, and treaties between Russia and the United States and Great Britain, respectively, were responded to in a note from Lord Salisbury to Sir Julian Pauncefote of August 2, 1890.² In this note his lordship considered the subject at much length, and argued that, on general principles of international law, no nation can rightfully claim jurisdiction at sea beyond a marine league from the coast. This general principle, so far as it is one, had never been denied by Mr. Blaine, his position being that there might be, and in some instances were, cases which called for exceptions from the operation of the general rule, so far, at least, as to give a nation a right to exclude, for certain purposes, foreign vessels from a belt of the sea much wider than three miles.

On the 17th of December, 1890, Mr. Blaine, in a note to Sir Julian Pauncefote,³ referred to the note of Lord Salisbury, last mentioned, and reasserted his position. The controversy respecting the claims of Russia now became, substantially, whether, in the treaties of 1824 and 1825 between the United States and Great Britain, respectively,

¹ Case of the United States, Appendix, Vol. I, p. 224.

² Case of the United States, Appendix, Vol. I, p. 242.

³ Case of the United States, Appendix, Vol. I, p. 263.

the term "Pacific Ocean," as used in the treaties, was intended to include the body of water now known as Bering Sea. If it were true, as Lord Salisbury contended, that Bering Sea was thus included, then it would follow that the pretensions made by Russia in the ukase of 1821, so far as they were surrendered by the treaties above referred to, were surrendered as well in respect to Bering Sea as in respect to the Pacific Ocean south of that sea. If, on the other hand, as Mr. Blaine contended, Bering Sea was not intended to be embraced by the term "Pacific Ocean," it would follow that the assertions of jurisdiction in Bering Sea made by the ukase of 1821 had received a very large measure of acquiescence both from Great Britain and the United States.

But, in the opinion of the undersigned, the point, though not wholly irrelevant, is, comparatively speaking, unimportant. It was never put forward by the United States as the sole ground, or as the principal ground, upon which that Government rested its claims. Notwithstanding the large space devoted to it in the diplomatic discussions, it came in incidentally only. It is not at all improbable that Lord Salisbury preferred to draw the discussion as much as possible away from the question of property interests, and away from the charge that pelagic sealing was a practice which threatened a useful race of animals with extermination, and was wholly destitute of support upon any grounds of reason. It may be true also that Mr. Blaine in some measure magnified the effect which might flow from the pretensions made by Russia in the ukase of 1821, so far as they were acquiesced in by Great Britain and the United States.

But what is absolutely certain is that the original attitude taken by the United States, as already mentioned, followed up and reasserted in more than one diplomatic communication, was never, at any time, in the slightest degree abandoned or changed, and this is conclusively evidenced by the last communication of Mr. Blaine, already referred to. Near the close of that note¹ he says:

In the judgment of the President, nothing of importance would be settled by proving that Great Britain conceded no jurisdiction to Russia over the seal fisheries of the Bering Sea. It might as well be proved that Russia conceded no jurisdiction to England over the river Thames. By doing nothing in each case, everything is conceded. In neither case is anything asked of the other. "Concession," as used here, means simply *acquiescence* in the rightfulness of the title, and that is the only form of concession which Russia asked of Great Britain or which Great Britain gave to Russia.

¹Case of the United States, Appendix, Vol. I, p. 285.

The second offer of Lord Salisbury to arbitrate, amounts simply to a submission of the question whether any country has a right to extend its jurisdiction more than one marine league from the shore. No one disputes that, as a rule; but the question is, whether there may not be exceptions whose enforcement does not interfere with those highways of commerce which the necessities and usage of the world have marked out. * * *

The repeated assertions that the Government of the United States demands that the Bering Sea be pronounced *mare clausum*, are without foundation. The Government has never claimed it and never desired it. It expressly disavows it. At the same time the United States does not lack abundant authority, according to the ablest exponents of international law, for holding a small section of the Bering Sea for the protection of the fur-seals. Controlling a comparatively restricted area of water for that one specific purpose is by no means the equivalent of declaring the sea, or any part thereof, *mare clausum*. Nor is it by any means so serious an obstruction as Great Britain assumed to make in the South Atlantic, nor so groundless an interference with the common law of the sea as is maintained by British authority to-day in the Indian Ocean. The President does not, however, desire the long postponement which an examination of legal authorities from Ulpian to Phillimore and Kent would involve. He finds his own views well expressed by Mr. Phelps, our late minister to England, when, after failing to secure a just arrangement with Great Britain touching the seal fisheries, he wrote the following in his closing communication to his own Government, September 12, 1888:

"Much learning has been expended upon the discussion of the abstract question of the right of *mare clausum*. I do not conceive it to be applicable to the present case.

"Here is a valuable fishery and a large and, if properly managed, permanent industry, the property of the nation on whose shores it is carried on. It is proposed by the colony of a foreign nation, in defiance of the joint remonstrance of all the countries interested, to destroy this business by the indiscriminate slaughter and extermination of the animals in question, in the open neighboring sea, during the period of gestation, when the common dictates of humanity ought to protect them, were there no interest at all involved. And it is suggested that we are prevented from defending ourselves against such depredations because the sea at a certain distance from the coast is free.

"The same line of argument would take under its protection piracy and the slave trade when prosecuted in the open sea, or would justify one nation in destroying the commerce of another by placing dangerous obstructions and derelicts in the open sea near its coasts. There are many things that can not be allowed to be done on the open sea with impunity, and against which every sea is *mare clausum*; and the right of self-defense as to person and property prevails there as fully as elsewhere. If the fish upon Canadian coasts could be destroyed by scattering poison in the open sea adjacent, with some small profit to those engaged in it, would Canada, upon the just principles of international law, be held defenseless in such a case? Yet that process would be no more destructive, inhuman, and wanton than this.

"If precedents are wanting for a defense so necessary and so proper, it is because precedents for such a course of conduct are likewise unknown. The best international law has arisen from precedents that have been established when the just occasion for them arose, undeterred by the discussion of abstract and inadequate rules."

The design of the foregoing review of the principal points made in the diplomatic discussions which preceded the Treaty under which this Tribunal was constituted has been to show that the main grounds upon which, from first to last, the claims of the United States were based were the property and industrial interests of that nation; and that the purpose of Mr. Blaine, in taking up the discussion tendered by Lord Salisbury in relation to the ukase of 1821 and the subsequent treaties of 1824 and 1825, was simply to point out that the assertions by Russia of exceptional authority over certain portions of the high seas were, so far as respects Bering Sea, not only never abandoned by her, but were practically conceded and acquiesced in by Great Britain, and that, consequently, the United States could assert against Great Britain a right to protect their sealing interests, not only upon general principles of international law, but upon the additional and reinforcing ground that Russia, in order to defend the same interests, had asserted and exercised an exceptional authority over Bering Sea for nearly half a century with the acquiescence of Great Britain, and that any right thus acquired had passed to the United States by the cession of Alaska.

In the view of the undersigned, Mr. Blaine was entirely successful in establishing his contention that the assertion by Russia of an exceptional authority over the seas, including an interdiction of the approach of any foreign vessel within 100 miles of certain designated shores, while abandoned by her treaty with Great Britain in 1825 as to all the northwest coast south of the 60th parallel of north latitude, was, so far as respects Bering Sea, and the islands thereof, and the coast south of the 60th parallel, never abandoned by her, but was acquiesced in by Great Britain. And if the undersigned believed the point to be one upon which any of the claims of the United States really depended, they would deem it their duty to again present the argument of Mr. Blaine, together with further suggestions which would reinforce it. But they greatly prefer to place the case of the United States upon its real and original grounds, which, as it seems to them, admit of no dispute, and not to rely upon arguments which, however successful in their avowed purposes, are yet, perhaps, to be deemed somewhat aside from the main question. They prefer to submit to this Tribunal that Russia had for nearly a century before the cession of Alaska established and maintained a valuable industry upon the Pribilof Islands, founded upon a clear and indisputable property interest in the fur-seals which

make those islands their breeding places, an industry not only profitable to herself, but in a high degree useful to mankind; that the United States since the cession have, upon the basis of the same property interest, carefully maintained and cherished that industry, and that no other nations, or other men, have any right to destroy or injure it by prosecuting an inhuman and destructive warfare upon the seal in clear violation of natural law; and that the United States have full and perfect right, under the law of nations, to prevent this destructive warfare by the reasonable exercise of necessary force wherever upon the seas such exercise is necessary to the protection of their property and industry. The undersigned therefore submit the question concerning the assertions of maritime authority by Russia and the acquiescence therein by Great Britain upon the argument of Mr. Blaine, contained in his notes to Sir Julian Pauncefote of June 30, 1890,¹ and December 17, 1890.²

It is, however, important that the real nature of these assertions should not be misunderstood. The words "exclusive jurisdiction in Bering Sea" are used in the questions formulated in the treaty by way of description of the claims of Russia, and the same, or similar, language will be found in various places in the diplomatic argument to have been employed in a like sense. From this it might be thought that what Russia was supposed to have asserted, and what the United States claimed as a right derived from her, was a sovereign jurisdiction over some part of Bering Sea, making it a part of their territory and subject to their laws. This would be entirely erroneous. Russia never put forward any such pretension. Her claims were that certain shores and islands on the Northwest coast and in the Pacific Ocean and Bering Sea were part of her territory, acquired by discovery and occupation, upon which she had colonial establishments and fishing and sealing industries. She chose, in accordance with the policy of the time, to confine the right to trade with these colonies, and the fishing and fur-gathering industries connected with those territorial possessions, to herself. Concerning her right to do this there never was, or could be, any dispute. So far as her pretensions to exercise an exceptional maritime authority were concerned, they were limited to such measures as she deemed necessary for the protection of these admitted rights. She did not claim to make laws for the sea. The particular assertion of authority which was the interesting point in the discussion be-

¹Case of the United States, Appendix, Vol. I, p. 224.

²Ibid, p. 263.

tween Mr. Blaine and Lord Salisbury was the interdiction to foreign vessels of an approach to the shores and islands referred to nearer than 100 miles. This, of course, was no assertion of exclusive jurisdiction, or of jurisdiction at all, in the strict sense of that term. It was the assertion of a right to protect interests attached to the shore from threats and danger of invasion. It was in no wise different *in its nature* from a multitude of assertions of a right to exercise national authority over certain parts of the sea made by different nations before and since, and by none more frequently or extensively than by Great Britain. It was an assertion of power essentially the same as that of which the *hovering laws* are instances. The extent of the interdiction from the shore—100 miles—might have been extreme, although this is by no means certain. A distance which would be excessive in the case of a frequented coast, the pathway of abundant commerce, might be entirely reasonable in a remote and almost uninhabited quarter of the globe to which there was little occasion for vessels to resort except for the purpose of engaging in prohibited trade. It must be remembered that the interdiction was not made for the purpose of preventing, or restricting, pelagic sealing. That pursuit had not even been thought of at that time. Had that danger then threatened the sealing interests of Russia a much more extensive restriction might justly have been imposed.

As already observed it is not intended by the undersigned to intimate that the question what authority over Bering Sea Russia claimed the right to exercise and how far the claim was acquiesced in by Great Britain, has no importance in the present controversy; but to point out the nature of that claim, and to indicate its appropriate place in the present discussion. It has a very distinct significance as showing that assertions on the part of Russia of a right to defend and protect her colonial trade and local industries by the reasonable exercise of force in Bering Sea were assented to by Great Britain during the whole period of the Russian occupation of Alaska, and, by consequence, that the present complaints of the latter against a similar exercise of power by the United States are wholly inconsistent with her former attitude and admissions.

Again referring to the broad distinction between that power of sovereign jurisdiction exercised by a nation over nonterritorial waters, which consists in the enactment of municipal laws designed to be operative upon such waters against the citizens of other nations, and the exercise of authority and power over such waters limited to the neces-

sary defense of its property and local interests, the undersigned insist that the former has no material place in this discussion. Russia never insisted upon it so far as respects the regions to which our attention is directed, or the industry of sealing which is here a subject of discussion. The United States never have claimed it and do not now claim it. Themselves a maritime nation, they assert, as they always have asserted, the freedom of the seas. But they suppose it to be quite certain that the doctrine of the freedom of the seas has never been deemed by civilized nations as a license for illegal or immoral conduct, or as in any manner inconsistent with the general and necessary right of self-defense above mentioned, which permits a nation to protect its property and local interests against invasion by wrongdoers wherever upon the sea the malefactors may be found. This right and the grounds and reasons upon which the present case calls for an application of it, are directly embraced by the Fifth Question which is submitted to the Tribunal, and are, in the opinion of the undersigned, the proper subjects of principal attention, and they will elsewhere, in the appropriate place, devote to them that deliberate and full consideration which importance their demands.

We may, however, briefly observe here, that according to the best authorities in international law the *occupation* of a new country which is sufficient to give to the occupying nation a title to it depends very largely upon the nature of the country and the beneficial uses which it may be made to subserve. In the case of a fruitful region capable of supporting a numerous population, it might not be allowable for a nation first discovering it to maintain a claim over vast areas which it did not actually occupy and attempt to improve; but where a remote and desolate region has been discovered, yielding only a single or few products, and all capable of being beneficially secured by the discovering nation, a claim to these products asserted and actually exercised, is all the occupation of which the region is susceptible and is sufficient to confer the right of property; and that whatever authority it may be reasonably necessary to exercise upon the adjoining seas in order to protect such interests from invasion may properly be asserted. Says Phillimore, who seems to have understood the Oregon territory as embracing the whole northwest coast of North America:

A similar settlement was founded by the British and Russian Fur Companies in North America.

The chief portion of the Oregon Territory is valuable solely for the fur-bearing animals which it produces. Various establishments in

different parts of this territory organized a system for securing the preservation of these animals, and exercised for these purposes a control over the native population. This was rightly contended to be the only exercise of *proprietary right* of which these particular regions were at that time susceptible, and to mark that a *beneficial use* was made of the whole territory by the occupants.¹

The first four questions submitted to the Tribunal by the Treaty should, in the opinion of the undersigned, be answered as follows:

First. Russia never at any time prior to the cession of Alaska to the United States claimed any exclusive jurisdiction in the sea now known as Bering Sea, beyond what are commonly termed territorial waters. She did, at all times since the year 1821, assert and enforce an exclusive right in the "seal fisheries" in said sea, and also asserted and enforced the right to protect her industries in said "fisheries" and her exclusive interests in other industries established and maintained by her upon the islands and shores of said sea, as well as her exclusive enjoyment of her trade with her colonial establishments upon said islands and shores, by establishing prohibitive regulations interdicting all foreign vessels, except in certain specified instances, from approaching said islands and shores nearer than 100 miles.

Second. The claims of Russia above mentioned as to the "seal fisheries" in Bering Sea were at all times, from the first assertion thereof by Russia down to the time of the cession to the United States, recognized and acquiesced in by Great Britain.

Third. "The body of water now known as Behring Sea was not included in the phrase 'Pacific Ocean,' as used in the treaty of 1825, between Great Britain and Russia;" and after that treaty Russia continued to hold and to exercise exclusively a property right in the fur-seals resorting to the Pribilof Islands, and to the fur-sealing and other industries established by her on the shores and islands above mentioned, and to all trade with her colonial establishments on said shores and islands, with the further right of protecting, by the exercise of necessary and reasonable force over Bering Sea, the said seals, industries, and colonial trade from any invasion by citizens of other nations tending to the destruction or injury thereof.

Fourth. "All the rights of Russia as to jurisdiction and as to the seal fisheries in Bering Sea east of the water boundary in the treaty between the United States and Russia, of the 30th of March, 1867," did "pass unimpaired to the United States under that treaty."

JAMES C. CARTER.

THIRD.

THE PROPERTY OF THE UNITED STATES IN THE ALASKAN SEAL HERD AND THEIR RIGHT TO PROTECT THEIR SEALING INTERESTS AND INDUSTRY.

I.—THE PROPERTY OF THE UNITED STATES IN THE ALASKAN SEAL HERD.

The subject which, in the order adopted by the treaty, is next to be considered, is that of the assertion by the United States of a property interest in the Alaskan seals. Under this head there are two questions, which, though each may involve, in large measure, the same considerations, are yet in certain respects so different as to make it necessary or expedient that they should be separately discussed. The *first* is whether the United States have a property interest in the seals themselves, not only while they are upon the breeding islands, but also while they are in the high seas. The *second* is whether, if they have not a clear property in the seals themselves, they have such a property interest in the *industry* long established and prosecuted on the Pribilof Islands of maintaining and propagating the herd, and appropriating the increase to themselves for the purposes of commerce and profit, as entitles them to extend their protection to such herd against capture while it is on the high seas, and to require and receive from other nations an acquiescence in reasonable regulations designed to afford such protection.

The material difference between these questions will be perceived from a glance at the consequences which would flow from a determination of each of them respectively in favor of the claims of the United States. If it were determined that the United States had the property interest which they assert only in the *industry* established on the shore, it might, with some show of reason, be insisted that, if the industry were not actually established, they would have no right to forbid interference with the seals in the open sea; but were it determined that the United States had the property interest which they assert in the seals themselves, it would follow that they would have the right at any time to take measures to establish such an industry, and to forbid any inter-

ference with the seals which would tend to make its establishment impossible or difficult.

The proposition which the undersigned will first lay down and endeavor to maintain is that the United States have, by reason of the nature and habits of the seals and their ownership of the breeding grounds to which the herds resort, and irrespective of the established industry above mentioned, a property interest in those herds as well while they are in the high seas as upon the land.

It is first to be observed that although the established doctrines of municipal law may be properly invoked as affording light and information upon the subject, the question is not to be determined by those doctrines. Questions respecting property in lands, or movable things which have a fixed *situs* within the territorial limits of a nation are, indeed, to be determined exclusively by the municipal law of that nation; but the municipal law can not determine whether movable things like animals are, while they are in the high seas, the property of one nation as against all others. If, indeed, it is determined that such animals have a *situs* upon the land, notwithstanding their visits to, and migration in the sea, it may then be left to the power which has dominion over such land to determine whether such animals are property; but the question whether they have this *situs* must be resolved by international law.

The position taken on the part of Great Britain is, not that the seals belong to her, but that they do not belong to any nation or to any men; that they are *res communes*, OR *res nullius*; in other words, that they are *not the subject* of property, and are consequently open to pursuit and capture on the high seas by the citizens of any nation. This position is based upon the assertion that they belong to the class of wild animals, animals *feræ naturæ*, and that these are not the subject of ownership. On the other hand, it is insisted on the part of the United States that the terms *wild* and *tame*, *feræ* and *domitæ*, *naturæ*, are not sufficiently precise for a legal classification of animals in respect to the question of property; that it is open to doubt, in many cases, whether an animal should be properly designated as wild or tame, and that the assignment of an animal to the one class rather than to the other is by no means decisive of the question whether it is to be regarded as property. In the view of the United States, while the words *wild* and *tame* describe sufficiently for the purposes of common speech the nature and habits of animals, and indicate generally whether they are or

are not the subjects of property, yet there are many animals which lie near to the boundary imperfectly drawn by these terms, and in respect to which the question of property can be determined only by a closer inquiry into their nature and habits, and one more particularly guided by the considerations upon which the institution of property stands. If the question were asked why a tame or domestic animal should be property and a wild one not, these terms would be found to supply no reasons. The answer would be because tame animals exhibit certain qualities, and wild ones other and different qualities; thus showing that the question of property depends upon the characteristics of the animal. This view seems to be correct upon its mere statement, and it will be found to be the one adopted and acted upon by the writers of recognized authority upon the subject of property. It would be sufficient for the present purpose to refer to the language of Chancellor Kent upon this point. No dissent from it will anywhere be found. He says:

Animals *feræ naturæ*, so long as they are reclaimed by the art and power of man, are also the subject of a qualified property; but when they are abandoned, or escape, and return to their natural liberty and ferocity, without the *animus revertendi*, the property in them ceases. While this qualified property continues, it is as much under the protection of law as any other property, and every invasion of it is redressed in the same manner. The difficulty of ascertaining with precision the application of the law arises from the *want of some certain determinate standard or rule* by which to determine when an animal is *feræ, vel domitæ naturæ*. If an animal belongs to the class of tame animals, as, for instance, to the class of horses, sheep, or cattle, he is then a subject clearly of absolute property; but if he belongs to the class of animals, which are wild by nature, and owe all their temporary docility to the discipline of man, such as deer, fish, and several kinds of fowl, then the animal is a subject of qualified property, and which continues so long only as the tameness and dominion remain. It is a theory of some naturalists that all animals were originally wild, and that such as are domestic owe all their docility and all their degeneracy to the hand of man. This seems to have been the opinion of Count Buffon, and he says that the dog, the sheep, and the camel have degenerated from the strength, spirit, and beauty of their natural state, and that one principal cause of their degeneracy was the pernicious influence of human power. Grotius, on the other hand, says that savage animals owe all their untamed ferocity not to their own natures, but to the violence of man; but the common law has wisely avoided all perplexing questions and refinements of this kind, and has adopted the test laid down by Puffendorf,¹ by referring the question whether the animal be wild or tame *to our knowledge of his habits* derived from fact and experience.²

To this citation we may add the authority, which will not be disputed in this controversy, of two decisions of the court of common pleas in

¹ Law of Nature and Nations, Lib. 4, Chap. 6, sec. 5.

² Kent's Com., vol. 2, p. 348.

Great Britain. In the case of *Davies vs. Powell* (Willes, 46) the question was whether deer kept in an inclosure were *distrainable for rent*. The court took notice of the *nature and habits* of these animals as affected by the *care and industry of man* and the *uses which they were made to subserve*; and it observed that, while they were formerly kept principally for pleasure and not for profit, the practice had arisen of caring for them and rearing and selling them, and, in view of these facts, declared that they had become "as much a sort of husbandry as horses, cows, sheep, or any other cattle."

And, more recently, the question was made in the case of *Morgan v. The Earl of Abergavenny* (8 C. B., 768), whether deer thus kept passed upon the death of the owner to the heir or to the executor; that is to say, whether they were *personal property* or *chattels real*. Evidence was received upon the trial showing the *nature and habits* of the animals; that they were *cared for and fed* and *selections made from them for slaughter*; and upon this evidence it was left to the jury to say whether they were *personal property*. The jury found that they were; and the court upon a review of the case approved the verdict, holding that the question was justly made to depend upon the facts which had been given in evidence.

Inasmuch as the present controversy upon this point is one between nations, it can not be determined by a reference to the municipal law of either, or by the municipal law of any nation. The rule of decision must be found in international law; and, as has already been shown, if there is no actual practice or usage of nations directly in point, as there is not, recourse must be had to the principles upon which international law is founded—that is to say, to the law of nature. But the question whether a particular thing is the subject of property, as between nations, is substantially the same as the question whether the same thing is property as between individuals in a particular nation. Now, it so happens that this latter question has been determined, whenever it has arisen, not by any exercise of legislative power, but by an adoption of the rule of the law of nature. And the municipal jurisprudence of all nations, proceeding upon the law of nature, is everywhere in substantial accord upon the question what things are the subject of property. That jurisprudence, therefore, so far as it is *consentaneous*, may be invoked in this controversy, as directly evidencing the law of nature, and, therefore, of nations.

Proceeding to the examination of the doctrines of this municipal

jurisprudence, it appears, immediately, that there is no rule or principle to the effect that *no* wild animals are the subject of property. On the contrary we find that from an early period in the Roman law a distinct consideration has been given to the question, what animals, commonly designated as wild, are the subjects of property, and to what extent. And the doctrine established by that law, and adopted, it is believed, wherever that law has been received as the basis of municipal jurisprudence was also carried into the jurisprudence of England at the first stage of its development, and has ever since been received and acted upon by all English-speaking nations. It is well expressed in the Commentaries of Blackstone:¹

II. Other animals that are not of a tame and domestic nature are either not the objects of property at all or else fall under our other division, namely, that of *qualified*, *limited*, or *special* property, which is such as is not in its nature permanent, but may sometimes subsist and at other times not subsist. In discussing which subject, I shall, in the first place, show how this species of property may subsist in such animals as are *feræ naturæ*, or of a wild nature, and then how it may subsist in any other things when under particular circumstances.

First, then, a man may be invested with a qualified, but not an absolute property in all creatures that are *feræ naturæ*, either *per industria*, *propter impotentiam*, or *propter privilegium*.

1. A qualified property may subsist in animals *feræ naturæ*, *per industria hominis*, by a man's *reclaiming* and making them tame by art, industry, and education, or by so confining them within his own immediate power that they can not escape and use their natural liberty. And under this head some writers have ranked all the former species of animals we have mentioned, apprehending none to be originally and naturally tame, but only made so by art and custom, as horses, swine, and other cattle, which, if originally left to themselves, would have chosen to rove up and down, seeking their food at large, and are only made domestic by use and familiarity, and are, therefore, say they, called *mansueta*, *quasi manui assueta*. But however well this notion may be founded, abstractly considered, our law apprehends the most obvious distinction to be between such animals as we generally see tame, and are therefore seldom, if ever, found wandering at large, which it calls *domitæ naturæ*, and such creatures as are usually found at liberty, which are therefore supposed to be more emphatically *feræ naturæ*, though it may happen that the latter shall be sometimes tamed and confined by the art and industry of man—such as are deer in a park, hares or rabbits in an inclosed warren, doves in a dove house, pheasants or partridges in a mew, hawks that are fed and commanded by their owner, and fish in a private pond or in trunks. These are no longer the property of a man than while they continue in his keeping or actual possession; but if at any time they regain their natural liberty his property instantly ceases, unless they have *animum revertendi*, which is only to be known by their usual custom of returning. A maxim which is borrowed from the civil law, “*revertendi animum videntur desinere habere tunc, cum revertendi consuetudinem deseruerint.*” The law,

¹ Book II, p. 391.

therefore, extends this possession further than the mere manual occupation; for my tame hawk, that is pursuing his quarry in my presence, though he is at liberty to go where he pleases, is nevertheless my property, for he hath *animum revertendi*. So are my pigeons that are flying at a distance from their home (especially of the carrier kind), and likewise the deer that is chased out of my park or forest, and is instantly pursued by the keeper or forester; all which remain still in my possession, and I still preserve my qualified property in them. But if they stray without my knowledge, and do not return in the usual manner, it is then lawful for any stranger to take them. But if a deer, or any wild animal reclaimed, hath a collar or other mark put upon him, and goes and returns at his pleasure, or if a wild swan is taken and marked and turned loose in the river, the owner's property in him still continues, and it is not lawful for anyone else to take him; but otherwise if the deer has been long absent without returning, or the swan leaves the neighborhood. Bees also are *feræ naturæ*; but, when hived and reclaimed, a man may have a qualified property in them, by the law of nature, as well as by the civil law. And to the same purpose, not to say in the same words with the civil law, speaks Bracton; occupation, that is, hiving or including them, gives the property in bees; for, though a swarm lights upon my tree, I have no more property in them till I have hived them than I have in the birds which make their nests thereon; and, therefore, if another hives them, he shall be their proprietor; but a swarm, which fly from and out of my hive, are mine so long as I can keep them in sight and have power to pursue them, and in these circumstances no one else is entitled to take them. But it hath been also said that with us the only ownership in bees is *rations soli*, and the charter of the forest, which allows every freeman to be entitled to the honey found within his own woods, affords great countenance to this doctrine, that a qualified property may be had in bees, in consideration of the property of the soil whereon they are found.

In all these creatures, reclaimed from the wildness of their nature, the property is not absolute, but defeasible: a property that may be destroyed if they resume their ancient wildness, and are found at large. For if the pheasants escape from the mew, or the fishes from the trunk, and are seen wandering at large in their proper element, they become *feræ naturæ* again, and are free and open to the first occupant that has ability to seize them. But while they thus continue my qualified or defeasible property, they are as much under the protection of the law as if they were absolutely and indefeasibly mine; and an action will lie against any man that detains them from me or unlawfully destroys them. It is also as much felony by common law to steal such of them as are fit for food as it is to steal tame animals; but not so if they are only kept for pleasure, curiosity, or whim; as dogs, bears, cats, apes, parrots, and singing birds; because their value is not intrinsic, but depending only on the caprice of the owner; though it is such an invasion of property as may amount to a civil injury, and be redressed by a civil action. Yet to steal a reclaimed hawk is felony both by common law and statute; which seems to be a relic of the tyranny of our ancient sportsmen. And, among our elder ancestors, the ancient Britons, another species of reclaimed animals, viz., cats, were looked upon as creatures of intrinsic value; and the killing or stealing one was a grievous crime, and subjected the offender to a fine; especially if it belonged to the King's household, and was the *custos horrei regii*, for which there was a very peculiar forfeiture. And thus much of qualified property in wild animals, reclaimed *per industrium*.

From the general doctrine thus declared no dissent will, it is believed, be anywhere found. It has been reaffirmed in many instances by the courts both of Great Britain and the United States. The special attention of the Tribunal should be given to the utterances upon this question both by judicial tribunals and by jurists of established authority, and a somewhat copious collection of them will be found in Appendix.

It will be observed that the *essential facts* which, according to these doctrines, render animals commonly designated as wild, the subjects of property not only while in the actual custody of their masters but also when temporarily absent therefrom, are that the *care and industry of man* acting upon a *natural disposition* of the animals to *return* to a place of wonted resort, secures their *voluntary* and *habitual return* to his *custody and power*, so as to enable him to *deal with them in a similar manner*, and to obtain from them *similar benefits*, as in the case of *domestic* animals. They are thus for all the purposes of *property* assimilated to domestic animals. It is the *nature and habits* of the animal, which enable man, by the practice of *art, care, and industry*, to bring about these *useful results* that constitute the foundation upon which the law makes its award of property, and extends to this product of human industry the protection of ownership. This species of property is well described as *property per industriam*.

The Alaskan fur-seals are a typical instance for the application of this doctrine. They are by the imperious and unchangeable instincts of their nature impelled to return from their wanderings to the *same place*; they are defenseless against man, and in returning to the same place voluntarily subject themselves to his power, and enable him to treat them in the same way and to obtain from them the same benefits as may be had in the case of domestic animals. They thus become the subjects of ordinary husbandry as much as sheep or any other cattle. All that is needed to secure this return, is the exercise of care and industry on the part of the human owner of the place of resort. He must *abstain* from killing or repelling them when they seek to return to it, and must invite and cherish such return. He must defend them against all enemies by land or sea. And in making his selections for slaughter, he must disturb them as little as possible and take *males* only. All these conditions are perfectly supplied by the United States, and their title is thus fully substantiated.

What ground of difference in respect to the point in question can

be suggested between these seals and the other animals, such as deer, bees, wild geese, and wild swans, which appear by the authorities referred to to be universally regarded as property so long as they retain the *animus revertendi*? Will it be said that this *animus* is created by man in the case of those animals, and in the seals is a natural instinct? If this were true it would be unimportant. The essential thing is that the art and industry of man should bring about the *useful result*; and to this end human art, care and industry are as necessary and as effective in the one case as in the others. If man did not choose to practice this care and industry in respect to the seals, if he exhibited no *husbandry*, but treated them as wild animals, and attacked and killed them as they sought the land, they would be driven away to other haunts or be speedily exterminated. But it is not true that the disposition to return is created by man. The habitual return of the other animals mentioned is due to their natural instincts just as much as that of the seals is to theirs. Many races of animals have what may be called *homes*. It is natural *instinct* which prompts them to return to the spot where they rear their young or can find their food or a secure place of repose. What man does in any of these instances, and as much in one as in another, is, to act upon this *instinct* and make it available to secure the return. If the seals will return to the same place and voluntarily put themselves in the power of man with less effort on his part than in the case of the other animals, it shows only that they are by nature less wild and less inclined to fly from the presence of man. In the case of the bees, for instance, it is plain that their nature is no more changed by man than that of the seals. They are as wild when dwelling in an artificial hive as when they are in the woods; nor does man feed them; they gain their food from flowers which, for the most part, belong to persons other than their masters. Will it be said that the wanderings of the seals are very distant? Of what consequence is this so long as the return is certain? Bees wander very long distances. Will it be insisted that it makes any difference on the question of property whether a cow seal goes five, or a hundred miles in the sea to obtain food to enable her to nourish her offspring on the shore? Probably the long duration of migration to the south in the winter will be urged as a striking distinction between the case of the seals and the other instances; but what difference can this make if the *animus revertendi* remains, as it unquestionably does, and the same beneficial results are secured?

The difficulty of identification may be suggested, but it does not exist. There is no commingling with the Russian herd. Every fur-seal on the Northwest coast belongs indisputably to the Alaskan herd. But if there were any such supposed difficulty, it would matter nothing. If a man, without authority, kills cattle wandering without guard over the boundless plains of the interior of the United States, he is a plain trespasser. It might be difficult for any particular owner to make out a case of damages against him, but he would be none the less a trespasser for that. If a man kills a reclaimed swan or goose innocently, and believing it to be wild, he is, indeed, excusable, and if there were different herds of fur-seals, some of them property and others not, it might be difficult to show that one who killed seals at sea had notice that they were property; but there are no herds of fur-seals in the North Pacific which are not in the same condition with those of Alaska.

It does not, therefore, appear that the differences observable between the fur-seals and those other animals commonly designated as wild, which are held by the municipal law of all nations to be the subject of ownership, are *material*, and the conclusion is fully justified that if the latter are property, the former must also be property.

But there is another and broader line of inquiry, by following which all doubt upon this point may be removed. What are the grounds and reasons upon which the institution of property stands? Why is it that society chooses to award, through the instrumentality of the law, a right of property in anything? Why is it that it makes any distinction in this respect between wild and tame animals; and why is it that, as to animals commonly designated as wild, it pronounces some to be the subjects of property and denies that quality to others? It can not be that these important but differing determinations are founded upon arbitrary reasons. Nor does the imputation to some of these animals of what is termed the *animus revertendi*, or the fact that they have a habit of returning which evidences that intent, of themselves, explain anything. They would both be wholly unimportant unless they were significant of some weighty social and economic considerations arising out of imperious social necessities. If we knew what these reasons were, we might no longer entertain even a doubt upon the question whether the Alaskan seals are the subjects of property. If it should appear upon inquiry that every reason upon which bees, or deer, or pigeons, or wild geese, and swans are held to be property requires the same determination in respect to the Alaskan seals, the differences

observable between these various species of animals must be dismissed as wholly unimportant and the conclusion be unhesitatingly received that the fur-seals are the subjects of ownership.

The attention of the tribunal is, therefore, invited to a somewhat careful inquiry into the original causes of the institution of property and the principles upon which it stands; and the counsel for the United States will be greatly disappointed if the result of the investigation should fail to satisfy the Tribunal that there is a fundamental principle underlying that institution which is decisive of the main question now under discussion. That principle they conceive to be this, *that whenever any useful wild animals so far submit themselves to the control of particular men as to enable them exclusively to cultivate such animals and obtain the annual increase for the supply of human wants, and at the same time to preserve the stock, they have a property in them*, or, in other words, whatever may be justly regarded as the product of human art, industry, and self-denial must be assigned to those who make these exertions as their merited reward.

The inquiry thus challenged is in no sense one of abstract speculation, nor is it a novel one. It proceeds upon the firm basis of the facts of man's nature, the environment in which he is placed, and the social necessities which determine his action; and the pathway is illumined by the lights thrown upon it by a long line of recognized authorities. The writers upon the law of Nature and Nations, beginning with Grotius,¹ have justly conceived that no system of practical ethics would be complete which did not fully treat of the institution of property, not only in respect to nations, but also in respect to private persons. Recognizing the fact that a nation could not defend its possessions against other nations by an appeal to any municipal law, they have sought to find grounds for the defense of those possessions in the law of nature which must be everywhere acknowledged. It is upon the broad, general principles agreed to by these authorities that we shall endeavor to establish the proposition above stated.

It is easier to feel than it is to precisely define the meaning of the word *property*; but as the feeling is substantially the same in all minds there is the less need of any attempt at exact definition. It is com-

¹ Grotius, de Jure Belli ac Pacis, Book II, chap. II; Puffendorf, Law of Nature and Nations, Book IV, chap. V. See also Blackstone's elegant chapter on "Property in General," (Commentaries, Book 2, pp. 1, *et seq.*); and Locke on Civil Government, Chap. V.

monly said to be the right to the exclusive possession, use, and disposition of the thing which is the subject of it; but this defines rather the *right* upon which property rests, than property itself. The somewhat abstract definition of Savigny more precisely states what property really is. "Property," says he, "according to its true nature, is a widening of individual power."¹ It is, as far as tangible things are concerned, an extension of the individual to some part of the material world, so that it is affected by his personality.²

But whence comes the *right* of the individual to thus extend his power over the natural world, and what are its conditions and limitations? In thus speaking of rights, *moral* rights alone are intended, for the law knows of no other, if, indeed, any other exist. There are no natural indefeasible rights which stand for their own reason. If rights exist, it is not for themselves alone, but because they subserve the happiness of mankind and the purposes for which the human race was placed upon the earth. Even the right to life, however clear in general, is not natural and indefeasible. It is held subject to the needs of mankind, and in a great number of cases may be justly taken by society. In order to ascertain the source and foundation of the right of property, we must look, as all moralists and jurists look, to the nature of man and the environment in which he is placed. We find that the desire of exclusive possession is one of the original and principal facts of man's nature which will and must be gratified, even though force be employed to vindicate the possession. We know, also, that man is a social animal and must live in *society*, and that there can not be any society without order and peace. Even in savage life it is a necessity that the hunter should have the exclusive ownership of the beast he has slain for food and of the weapon he has made for the chase. Otherwise life itself could not be maintained. His rude society, even, is not possible unless it furnishes him with some guaranty that these few possessions be secured to him. Otherwise he is at war with his species, and society is gone. The existence of property, to at least this extent, is coeval with the existence of man. It stands upon the imper-

¹ *Jurid. Relations* (Lond., 1834, Rattequin's Trans.), p. 178.

² Locke expresses the same idea: "The fruit or venison which nourishes the wild Indian * * * must be his, and so his, i. e., *a part of him*, that another can no longer have any right to it," etc. (*Civil Government*, Ch. v, § 25.)

"In making the object my own I stamped it with the mark of my own person; whoever attacks it attacks me; the blow struck it strikes me, for I am present in it. Property is but the periphery of my person extended to things." Hering, quoted by George B. Newcomb, *Pol. Science Quarterly*, vol. 1, p. 604.

ous and indisputable basis of *necessity*. "Necessity begat property."¹ Neither history, nor tradition, informs us of any people who have inhabited the earth among whom the right of property to at least this extent was not recognized and enforced. And an interesting confirmation is found in the circumstance that the rude originals of the administration of justice are everywhere found in contrivances designed for punishment of theft.

The circumstance that in the early advances of society from savage to industrial conditions we find that in many things, especially land and the products of land, *community* property is found to obtain in place of individual property, does not impair in any degree the force of the views just expressed. The institution of property is in full operation, whether society itself—the artificial person—asserts ownership, or permits its members to exercise the privilege. Wherever the supreme necessities of society, peace and order, are found to be best subserved by ownership in the one form rather than in the other, the form most suitable will be adopted. Community property was found sufficient for the early stages of society, and it is the anticipation, or the dream, of many ingenious minds that the expedient will again, in the further advance of society, be found necessary.

But the desire of human nature for exclusive ownership is not limited to the weapons and product of the chase, as in savage society, or to the reward of a proportional share, as in early industrial communities. Man wishes for more, for the sake of the comfort, power, consideration and influence which abundant possessions bring. He wishes to better his condition, and this is possible only by increase of possessions. And the improvement of society, it has been found, can be effected, or best effected, only through the improvement of its individual members. This desire of individual man to better his condition is imperious, and must be gratified; and inasmuch as the gratification tends to general happiness and improvement, a moral basis is furnished for an extension of the institution of individual property. As the first necessity of the social state, peace and order, require that ownership should be enforced to at least the limited extent which savage conditions require, so the second necessity of society, its progress and advancement—that is to say, civilization—demands that individual effort should be encouraged by offering as its reward the exclusive ownership of everything which it can produce. In these two principal neces-

¹ Blackstone's Com., Book 2, p. 8.

sities of human condition, the peace of society, and its progress and advancement in wealth and numbers, both founded upon the strongest desires of man's nature, the institution of property has its foundation.

There are several features of this institution which in this discussion should be well understood and carried in mind; and, first, the extent of its operation. Manifestly this must be coextensive with the human desires and necessities out of which it springs. Wherever there is an object of desire, not existing in sufficient quantity to fully satisfy the greed of all, conflict for possession will arise and consequent danger to peace. Society finds its best security for order in extending the privilege of ownership *to everything which can be owned*. The owner may be the state or community, as under early and rude social conditions; or private individuals, as civilization advances; but, in either case, nothing is left as a subject for strife. The grounds and reasons which society, after the introduction of individual property, may allow as sufficient for awarding ownership to one rather than to another are various; but they all depend upon some consideration of superior merit and desert. That one man has by his labor and skill formed a weapon or a tool is instantly recognized as a sufficient ground to support his title to it. And if he simply takes possession of some things before unappropriated by any one, or finds property to which no other owner asserts a claim, his right, though less impressive, is still superior to that of any other. We therefore easily reach the conclusion that the necessities which demand the institution of property equally demand its extension over every object of desire as to which conflict for possession may arise.

But it is not only the necessity of peace and order which requires that all-embracing extent of the institution of property. It is alike demanded by that high moral purpose already alluded to as constituting part of the foundation of the institution, namely, the improvement of society and of the individual man. This, as has already been seen, can be brought about only by the cultivation of the arts of industry by which nature is made to yield a more abundant provision for human wants. These arts will not be practiced unless the fruits of each man's labor, whether it be the product of the field, of the workshop, or the increase of animals which are the subject of his care, are assured to him. We find, therefore, that the institution of property is so imbedded in the nature of man, that its existence is a necessary consequence of forces in operation wherever man is found, or wheresoever his power

may extend, and that the fundamental formula by which the institution is expressed is that every object of desire, *of which the supply is limited*, must be owned. It is with this proposition that Blackstone closes his chapter upon "Property in General."

"Again, there are other things in which a permanent property may subsist, not only as to the temporary use, but also the solid substance; and which yet would frequently be found without a proprietor had not the wisdom of the law provided a remedy to obviate this inconvenience. Such are forests and other waste grounds, which were omitted to be appropriated in the general distribution of lands. Such also are wrecks, estrays, and that species of wild animals which the arbitrary constitutions of positive law have distinguished from the rest by the well known appellation of game. With regard to these and some others, as disturbances and quarrels would frequently arise among individuals, contending about the acquisition of this species of property by first occupancy, the law has therefore wisely cut up the root of dissension by vesting the things themselves in the sovereign of the State, or else in his representatives appointed and authorized by him, being usually the lords of manors. And thus the legislature of England has universally promoted the grand ends of civil society, the peace and security of individuals, by steadily pursuing *that wise and orderly maxim of assigning to everything capable of ownership a legal and determinate owner.*"¹

¹ Sir Henry Maine, after tracing with his wonted acuteness the course of the development of the conception of property, also finds that it finally results in the proposition that everything must be owned.

"It is only when the rights of property gained a sanction from long practical inviolability, and when the vast majority of objects of enjoyment have been subjected to private ownership, that mere possession is allowed to invest the first possessor with dominion over commodities in which no prior proprietorship has been asserted. The sentiment in which this doctrine originated is absolutely irreconcilable with that infrequency and uncertainty of proprietary rights which distinguish the beginning of civilization. The true basis seems to be not an instinctive bias towards the institution of property, but a presumption, arising out of the long continuance of that institution, that *everything ought to have an owner*. When possession is taken of a 'res nullius,' that is, of an object which is not, or has never, been reduced to dominion, the possessor is permitted to become proprietor from a feeling that all valuable things are naturally subjects as an exclusive enjoyment, and that in the given case there is no one to invest with the rights of property except the occupant. The occupant, in short, becomes the owner, because all things are presumed to be somebody's property, and because no one can be pointed out as having a better right than he to the proprietorship of this particular thing." (Ancient Law, Ch. VIII, p. 249.)

Lord Chancellor Chelmsford made the proposition that every thing must be owned by some one, the ground of his decision in the House of Lords of the case of *Blades v. Higgs*. (Law Journal Reports, N. S. 286, 288.)

From *Commentaries on the Constitutional Law of England*. By George Bowyer, D. C. L., 2d ed. London, 1848, p. 427:

"III. The third primary right of the citizen is that of property, which consists in the free use, enjoyment, and disposal of all that is his, without any control or diminution, save by the law of the land. The institution of property—that is to say, the appropriation to particular persons and uses of things which were given by God to all mankind—is of natural law. The reason of this is not difficult to discover, for the increase of mankind must soon have rendered community of goods exceedingly

Nothing which is not an object of human desire—that is, nothing which has not a recognized utility—can be the subject of property, for there is no possibility of conflict for the possession. Property, therefore, is not predicable of noxious reptiles, insects, or weeds, except under special circumstances, where they may be kept for the purposes of science or amusement. The supply, indeed, may be limited; but the element of utility, which excites the conflicting desires which property is designed to reconcile and restrain, is absent. Nor is property predicable of things which, though in the highest degree useful, exist in inexhaustible abundance and within the reach of all. Neither air nor light nor running water are the subjects of property. The supply is unlimited, and where there is abundance to satisfy all desires there can be no conflict.

There is a still further qualification of the extent to which the institution of property is operative. Manifestly, in order that a thing may be owned, it must be *susceptible of ownership*, that is, of exclusive appropriation to the power of some individual. There are things of which this can not be asserted. Useful wild animals are the familiar instance. Although objects of desire and limited in supply, they are not, as a general rule, susceptible of exclusive appropriation. They are not subject, otherwise than by capture and confinement, to the constant disposition of man as he may choose to dispose of them. We can hold them only by keeping them in captivity, and this we can do only in respect to an insignificant part. *What, in the view of the law, constitutes this susceptibility of exclusive appropriation* is an interesting and important question, which will be hereafter discussed in connection with the question what animals are properly to be denominated as wild.

The importance of the conclusion reached by the foregoing reasoning should be marked by deliberate restatement. The institution of property embraces all tangible things subject only to these three excepting conditions:

First. They must have that *utility* which makes them objects of human desire.

Second. The supply must be limited.

Third. They must be susceptible of exclusive appropriation.

inconvenient or impossible consistently with the peace of society; and, indeed, by far the greater number of things can not be made fully subservient to the use of mankind in the most beneficial manner unless they be governed by the laws of exclusive appropriation."

This conclusion is a deduction of moral right drawn from the facts of man's nature and the environment in which he is placed; in other words, it is a conclusion of the law of nature; but this, as has been heretofore shown, is international law, except so far as the latter may appear, from the actual practice and usages of nations, to have departed from it, or, to speak more properly, not to have risen to it.

Turning to the actual practice of nations, that is, to the observed fact, we find that it is in precise accordance with the deductive conclusion. No tangible thing can be pointed out, which exhibits the conditions above stated, which is not by the jurisprudence of all civilized nations pronounced to be the subject of property, and protected as such. This seems so manifest as to justify a confidence that the assertion will not be disputed.

In the foregoing reasoning no distinction has been observed between ownership by private individuals under municipal law, and by nations under international law. There is no distinction. Nations are but aggregates of individual men. They exhibit the same ambitions, are subject to like perils, and must resort for safety and peace to similar expedients. Just as it is necessary to the peace, order, and progress of municipal societies that everything possessing the three characteristics above enumerated should be owned by some one, so also it is necessary to the peace, order, and progress of the larger society of nations that everything belonging to the same class, but which from its magnitude is incapable of individual ownership, should be owned by some nation. This truth is well illustrated by the practice of nations for the last four centuries in acknowledging as valid titles to vast tracts of the earth's surface upon no other foundation than first discovery. Nearly the whole of the American continents was parceled out among European nations by the recognition of claims based upon such titles alone.¹

¹ The practice and doctrine of European nations upon this subject are clearly set forth by Mr. Chief Justice Marshall, in delivering the opinion of the Supreme Court of the United States in *Johnson vs. McIntosh* (8 Wheat., 543, 572.) A short extract will be pertinent here:

"As the right of society to prescribe those rules by which property may be acquired and preserved is not, and can not be, drawn into question; as the title to lands, especially, is, and must be admitted, to depend entirely on the law of the nation in which they lie, it will be necessary, in pursuing this inquiry, to examine, not simply those principles of abstract justice which the Creator of all things has impressed on the mind of his creature, man, and which are admitted to regulate in a great degree the rights of civilized nations, whose perfect independence has been acknowledged, but those principles also which our own Government has adopted in the particular case, and given as the rule of decision.

"On the discovery of this immense continent, the great nations of Europe were

And, for the most part, the vast territories thus acquired were not even seen. The maritime coasts only were explored, and title to the whole interior, stretching from ocean to ocean, or at least to the sources of the rivers emptying upon the coasts explored, was asserted upon the basis of this limited discovery. Some limitations were placed upon these vast claims resulting from conflicts in the allegations of priority; but, for the most part, the effectiveness of first discovery in giving title to great areas which had not been even explored was recognized. If the mere willing by the first discoverer that things susceptible of appropriation should be his property was held sufficient to make them so, it could only have been from a common conviction that ownership of every part of the earth's surface by some nation was so essential to the general peace and order, that it was expedient to recognize the slightest moral foundation as sufficient to support a title. The principle has been extended to vast territories which are even incapable of human occupation. The titles of Great Britain to her North American territory extending to the frozen zone, and of the United States derived from Russia to the whole territory of Alaska have never been questioned.

THE FORM OF THE INSTITUTION—COMMUNITY AND PRIVATE PROPERTY.

But although the existence of human society involves and necessitates the institution of property, it does not determine the *form* which that institution assumes. The necessity that all things susceptible of ownership should be owned is one thing; but who the owner shall be

eager to appropriate to themselves so much of it as they could respectively acquire. Its vast extent afforded an ample field to the ambition and enterprise of all; and the character and religion of its inhabitants afforded an apology for considering them as a people over whom the superior genius of Europe might claim an ascendancy. The potentates of the world found no difficulty in convincing themselves that they made ample compensation to the inhabitants of the new, by bestowing upon them civilization and Christianity, in exchange for unlimited independence. But, as they were all in pursuit of nearly the same object, it was necessary in order to avoid conflicting settlements, and consequent war with each other, to establish a principle which all should acknowledge as the law by which the right of acquisition, which they all asserted, should be regulated as between themselves. This principle was that discovery gave title to the governments by whose subjects, or by whose authority it was made, against all other European governments, which title might be consummated by possession. The exclusion of all other Europeans necessarily gave to the nation making the discovery the sole right of acquiring the soil from the natives and establishing settlements upon it. It was a right with which no Europeans could interfere. It was a right which all asserted for themselves, and to the assertion of which by others all assented."

is another. As has already been pointed out, the absolute necessities of rude society may be satisfied by making society itself the universal owner; which is the condition actually presented by some very early communities; but individual ownership is the condition found in all societies which have reached any considerable degree of advancement. This matter of the form of the institution is, of course, determined in a municipal society by its laws; and these are in turn determined by its *morality*. Ownership is awarded in accordance with the sense of right and fitness which prevails among the members of society. It is this which determines its will, and its will is its law.

In seeking for the moral grounds upon which to make its award of the rights of private ownership that which is first and universally accepted is what may be called *desert*. "*Suum cuique tribuere*," lies as an original conception at the basis of all jurisprudence. In respect to *land* indeed, an original grant may be required from the community or the sovereign; but whatever a man *produces* by his *labor*, or *saves* by the practice of *abstinence*, is justly reserved for his exclusive use and benefit. This is the principle upon which the right of private property is by the great majority of jurists placed; and it is often, somewhat incorrectly perhaps, made the foundation of the institution of property itself. In our view a distinction is observable between the institution itself and the form which it assumes. The first springs from the necessity of peace and order, society not being possible without it; but when private property, which is also the result of another necessity, namely, the demands of civilized life, becomes the form which the institution assumes, the principle of *desert* comes into operation to govern the award.

OWNERSHIP NOT ABSOLUTE.

But what is the *extent* of the dominion which is thus given by the law of nature to the owner of property? This question has much importance in the present discussion and deserves a deliberate consideration.

In the common apprehension the title of the possessor is absolute, and enables him to deal with his property as he pleases, and even, if he pleases, to destroy it. This notion, sufficiently accurate for most of the common purposes of life, and for all controversies between man and man, is very far from being true. No one, indeed, would assert that he had a *moral* right to waste or destroy any useful thing; but this limitation of power is, perhaps, commonly viewed as a mere moral or

religious precept, for the violation of which man is responsible only to his Maker, and of which human law takes no notice. The truth is far otherwise. This precept is the basis of much municipal law, and has a widely-reaching operation in international jurisprudence. There are two propositions belonging to this part of our inquiry, closely connected with each other, to which the attention of the Arbitrators is particularly invited. They will be found to have a most important, if not a wholly decisive, bearing upon the present controversy.

First. No possessor of property, whether an individual man, or a nation, has an absolute title to it. His title is coupled with a trust for the benefit of mankind.

Second. The title is further limited. The things themselves are not given him, but only the *usufruct* or *increase*. He is but the custodian of the stock, or principal thing, holding it in trust for the present and future generations of man.

The first of these propositions is stated almost in the language employed by one of the highest authorities on the law of nature and nations. Says Puffendorf, "God gave the world, not to this, nor to that man, but to the human race in general."¹ The bounties of nature are gifts not so much to those whose situation enables them to gather them, but to those who need them for *use*. And Locke, "God gave the world to men in common."² If it be asked how this gift in common can be reconciled with the exclusive possession which the institution of property gives to particular nations and particular men, the answer is by the instrumentality of commerce which springs into existence with the beginnings of civilization as a part of the order of nature. Indeed it is only by means of commerce that the original *common gift* could have been made effectual as such. Every bounty of nature, however it may be gathered by this, or that man, will eventually find its way, through the instrumentality of commerce, to those who want it for its inherent qualities. It is for these, wherever they may dwell, that it is destined. Were it not for these the bounty would be of little use even to those whose situation enables them to control it and to gather it. But for commerce, and the exchanges effected by it, the greatest part of the wealth of the world would be wasted, or unimproved.³ The Alaskan seals, for instance,

¹ Law of Nature and Nations. Book iv, Chap. v, sec. 9.

² Civil Government, Chap, v, § 34.

³"Wherewith accords that of Libanius, God, saith he, hath not made any one part of the world the storehouse of all his blessings, but hath wisely distributed

would be nearly valueless. A few hundreds, or thousands at the most, would suffice to supply all the needs of the scanty population living on the islands where they are found, or along the shores of the seas through which they pass in their migrations. Indeed, the Pribilof Islands would never have been inhabited, or even visited, by man except for the purpose of capturing seals in order to supply the demands of distant peoples. The great blessing to mankind at large capable of being afforded by this animal would have been wholly unrealized. The sole condition upon which its value depends, even to those who pursue and capture it, is that they are able, by exchanging it for the products of other and distant nations, to furnish themselves with many blessings which they greatly desire.

This truth that nature intends her bounties for those who need them, wherever they may dwell, may be illustrated and made more clear by inquiring upon whom the loss would fall if the gift were taken away. Take, for instance, the widely used and almost necessary article of India rubber. It is produced in but few and narrowly-limited areas, and we may easily suppose that by some failure of nature, or misconduct of man, the production is arrested. A loss would, no doubt, be felt by those who had been engaged in gathering it and exchanging it for other commodities; and a still more extensive one would fall upon the largely greater number whose labor was applied in manufacturing it into the various forms in which it is used; but the loss to both these classes would be but temporary. The cultivators could raise other products, and the manufacturers could employ their industry in other fields. The opportunities which nature offers for the employment of labor are infinite and inexhaustible, and the only effect of a cessation of one industry is to turn the labor devoted to it into other channels. But the loss to the consumers of the article, the loss of those who need that particular thing, would be absolute and irreparable.

If these views are well founded it follows that, by the law of nature, every nation, so far as it possesses the fruits of the earth in a measure more than sufficient to satisfy its own needs, is, in the truest sense, a

them through all nations, that so each needing another's help he might thereby lead men to society; and to this end he discovered unto them the art of merchandising, that so whatsoever any nation produced might be communicated unto others."

* * * So Theseus speaks very pertinently—

“ What to one nation nature doth deny,
That she, from others, doth by sea supply.”

(Grotius; De Jure Belli ac Pacis, Book II, Chap. II, § 13.) See also Phillimore, international Law, vol. I, p. 261, 262.

trustee of the surplus for the benefit of those in other parts of the world who need them, and are willing to give in exchange for them the products of their own labor; and the truth of this conclusion and of the views from which it is drawn will be found fully confirmed by a glance at the approved usages of nations. It is the characteristic of a trust that it is *obligatory*, and that in case of a refusal or neglect to perform it, such performance may be compelled, or the trustee removed and a more worthy custodian selected as the depositary of the trust. It is an admitted principle of the law of nature that commerce is obligatory upon all nations; that no nation is permitted to seclude itself from the rest of mankind and interdict all commerce with foreign nations. Temporary prohibition of commerce for special reasons of necessity are, indeed, allowed; but they must not be made permanent.¹

¹ The instrumentality of commerce as a part of the scheme of nature in securing to mankind in general the enjoyment of her various gifts, in whatsoever quarter of the earth they may be found, has been pointed out by many writers upon the law of nature and nations. A few citations will be sufficient, the views in which all concur. It will appear from those which are herein furnished—

1. That man does not begin to desire the benefit of the gifts to be found in other lands and in which he is entitled to share until he has made some advances towards civilization, and, consequently, commerce may be said to be the offspring of civilization.

2. But it reacts upon and greatly stimulates the cause from which it springs, so that civilization may also be said to be the fruit of commerce.

3. In its relations to civilization it is like the division of labor and has sometimes been styled "the territorial division of labor."

4. Doubtless there is a large discretion which each nation may justly exercise in respect of the conditions under which it will engage in commerce with other nations. But an absolute or unreasonable refusal is in clear violation of natural law. It is a denial by the refusing nation of the fundamental truth that the bounties of nature were bestowed upon mankind.

From "Des Droits et des Devoirs des Nations Neutres en Temps de Guerre Maritime," par L. B. Hautefeuille. Paris, 1848. Vol. I, p. 256:

"The Sovereign Master of nature did not confine himself to giving a particular disposition to every man; he also diversified climates and the nature of soils. To each country, to each region, he assigned different fruits and special productions, all or nearly all of which were susceptible of being used by man and of satisfying his wants or his pleasures. Almost all regions doubtless produced what was indispensable for the sustenance of their inhabitants, but not one produced all the fruits that were necessary to meet all real needs, or more particularly all conventional needs. It was, therefore, necessary to have recourse to other nations and to extend commerce. Man, impelled by that instinct which leads him to seek perfection, created new needs for himself as he made new discoveries. He accustomed himself to the use of all the productions of the earth and of its industry. The cotton, sugar, coffee, and tobacco of the New World have become articles of prime necessity for the European, and an immense trade is carried on in them. The American, in turn, can not dispense with the varied productions of European manufacture. The development of commerce, that is to say, the satisfaction of man's instincts of sociability and perfectibility, has greatly contributed to connecting all the nations.

A sure guaranty for the observance of this trust obligation is found in the imperious and universal motive of self-interest. The desire of civilized man to gratify his numerous wants and to better his condition so strongly impels him to commerce with other nations that no other inducement is in general needed. The instances in history are rare in which nations have exhibited unwillingness to engage in commercial intercourse; but they are possible under peculiar conditions, and have sometimes actually occurred. Such a refusal is generally believed to have been the real, though it was not the avowed, cause of the war waged by Great Britain against China in 1840.

For the purposes of further illustration, a case may be imagined stronger than any of the actual instances referred to. Let it be supposed that some particular region from which alone a commodity deemed

of the universe; it has served as a vehicle, so to speak, for the performance of the duties of humanity. Commerce is really, therefore, an institution of primitive law; it has its source and its origin in the divine law itself."

From Vattel (7th Amer. Ed., 1849, Bk. II, ch. II, sec. 21, p. 143):

"SEC. 21. All men ought to find on earth the things they stand in need of. In the primitive state of communion they took them wherever they happened to meet with them if another had not before appropriated them to his own use. The introduction of dominion and property could not deprive men of so essential a right, and, consequently, it can not take place without leaving them, in general, some means of procuring what is useful or necessary to them. This means commerce; by it every man may still supply his wants. Things being now become property, there is no obtaining them without the owner's consent, nor are they usually to be had for nothing, but they may be bought or exchanged for other things of equal value. *Men are, therefore, under an obligation to carry on that commerce with each other if they wish not to deviate from the views of nature,* and this obligation extends also to *whole nations or states.* It is seldom that nature is seen in one place to produce everything necessary for the use of man; one country abounds in corn, another in pastures and cattle, a third in timber and metals, etc. If all those countries trade together, as is agreeable to human nature, no one of them will be without such things as are useful and necessary, and the views of nature, our common mother, will be fulfilled. Further, one country is fitter for some kind of products than for another, as, for instance, fitter for the vine than for tillage. If trade and barter take place, every nation, on the certainty of procuring what it wants, will employ its lands and its industry in the most advantageous manner, and mankind in general prove gainers by it. Such are the foundations of the general obligations incumbent on nations reciprocally to cultivate commerce."

From "Leçons de Droit de la Nature et des Gens," par M. le Professeur Félice, Vol. II. (Droit des Gens). Paris, 1830. Leçon XVII, page 293:

"The need of this exchange is based upon the laws of nature and upon the wise arrangement which the Supreme Being has established in the world, each region and each portion of which furnishes, indeed, a great variety of productions, but also lacks certain things required for the comfort or needs of man; this obliges men to exchange their commodities with each other and to form bonds of friendship,

necessary by man everywhere, such as Peruvian bark, could be procured, was within the exclusive dominion of a particular power, and that it should absolutely prohibit the exportation of the commodity; could there be any well-founded doubt that other nations would be justified, under the law of nature, in compelling that nation by arms to permit free commerce in such commodity?

And this trust, of which we are speaking, is not limited to that surplus of a nation's production which is not needed for its own wants, but extends to its means and capabilities for production. No nation has, by the law of nature, a right to destroy its sources and means of production or leave them unimproved. None has the right to convert any portion of the earth into a waste or desolation, or to permit any part which may be made fruitful to remain a waste. To destroy the source from which any human blessing flows is not merely an error, it

whereas, otherwise, their passions would impel them to hate and destroy each other. * * *

"The law of commerce is therefore based upon the obligation under which nations are to assist each other mutually, and to contribute, as far as lies in their power, to the happiness of each other."

From Levi (*International Commercial Law*, 2d ed., 1863. Vol. I, Preface, pp. xxxix, xl):

* * * "Commerce is a law of nature, and the right of trading is a natural right."(*) But it is only an imperfect right, inasmuch as each nation is the sole judge of what is advantageous or disadvantageous to itself; and whether or not it be convenient for her to cultivate any branch of trade, or to open trading intercourse with any one country. Hence it is that no nation has a right to compel another nation to enter into trading intercourse with herself, or to pass laws for the benefit of trading and traders. Yet the refusal of this natural right, whether as against one nation only, or as against all nations, would constitute an offense against international law, and it was this refusal to trade, and the exclusion of British traders from her cities and towns, that led to the war with China.

From Halleck (*International Law* (Ed. 1861), Ch. xi, sec. 13, p. 280):

"SEC. 13. To this right of trade there is a corresponding duty of mutual commerce, founded on the general law of nature; for, says Vattel, 'one country abounds in corn, another in pastures and cattle, a third in timber and metals; all these countries trading together, agreeably to human nature, no one will be without such things as are useful and necessary, and the views of nature, our common mother, will be fulfilled. Further, one country is fitter for some kind of products than another; as for vineyards more than tillage. If trade and barter take place, every nation, on the certainty of procuring what it wants, will employ its industry and its ground in the most advantageous manner, and mankind in general proves a gainer by it. Such are the foundations of the general obligation incumbent on nations reciprocally to cultivate commerce. Therefore, everyone is not only to join in trade as far as it reasonably can, but even to countenance and promote it.'

Reddie (*Inquiries into International Law*. 2d Ed. 1851, Ch. v., Pt. II., sub sec. ii., Art. II, p. 207):

"But the chief source of the intercourse of nations in their individual capacity

is a *crime*. And the wrong is not limited by the boundaries of nations, but is inflicted upon those to whom the blessing would be useful wherever they may dwell. And those to whom the wrong is done have the right to redress it.

Let the case of the article of India rubber be again taken for an illustration, and let it be supposed that the nation which held the fields from which the world obtained its chief supply should destroy its plantations and refuse to continue the cultivation, can it be doubted that other nations would, by the law of nature, be justified in taking possession by force of the territory of the recreant power and establishing over it a governmental authority which would assure a continuance of the cultivation? And what would this be but a removal of the unfaithful trustee, and the appointment of one who would perform the trust?¹

is the exchange of commodities, or natural or artificial production. The territory of one State very rarely produces all that is requisite for the supply of the wants, for the use and enjoyment of its inhabitants. To a certain extent one state generally abounds in what others want. A mutual exchange of superfluous commodities is thus reciprocally advantageous for both nations. And, as it is a moral duty in individuals to promote the welfare of their neighbor, it appears to be also the moral duty of a nation not to refuse commerce with other nations when that commerce is not hurtful to itself."

From Kent (Commentaries on American Law. (The Law of Nations, part 1.) Ed. 1866. Ch. II., p. 117).

"As the aim of international law is the happiness and perfection of the general society of mankind, it enjoins upon every nation the punctual observance of benevolence and good will, as well as of justice toward its neighbors. This is equally the policy and the duty of nations. They ought to cultivate a free intercourse for commercial purposes, in order to supply each other's wants and promote each other's prosperity. The variety of climates and productions on the surface of the globe, and the facility of communication by means of rivers, lakes, and the ocean, invite to a liberal commerce, as agreeable to the law of nature, and extremely conducive to national amity, industry, and happiness. The numerous wants of civilized life can only be supplied by mutual exchange between nations of the peculiar productions of each."

¹Cases in which nations have supposed themselves justified in *interfering* with the territory and affairs of other nations have frequently occurred. The war celebrated in Grecian history as the first Sacred War was an early and illustrative instance growing out of the religious sentiment. The temple of Apollo at Delphi was the principal shrine in the religion of Greece. It was within the territory of the state of Krissa, whose people had desecrated by cultivation the surroundings of the spot where it was situated, and by levying tolls and other exactions had obstructed the pilgrimages which the votaries of the god were wont to make. A large part of Greece arose to punish this violation of the common right, and in a war of ten years' duration destroyed the town of Krissa, and consecrated the plain around the temple to the service of the god by decreeing that it should forever remain untilled and unplanted. (Grote, History of Greece, Lond., 1847, vol. IV, p. 84.) China has furnished one of the few instances in modern times of unwillingness to engage in foreign commerce. This was not the avowed but was probably one of the real causes of the war waged against that nation by Great Britain in 1840.

It is, indeed, upon this ground, and this ground alone, that the conquest by civilized nations of countries occupied by savages has been, or can be, defended. The great nations of Europe took possession by force and divided among themselves the great continents of North and South America. Great Britain has incorporated into her extensive empire vast territories in India and Australia by force, and against the will of their original inhabitants. She is now, with France and Germany as rivals, endeavoring to establish and extend her dominion in the savage regions of Africa. The United States, from time to time, expel the native tribes of Indians from their homes to make room for their own people. These acts of the most civilized and Christian nations are inexcusable robberies, unless they can be defended, under the law of nature, by the argument that these uncivilized countries were the gifts of nature to man, and that their inhabitants refused, or were unable, to perform that great trust, imposed upon all nations, to make the capabilities of the countries which they hold subservient to the needs of man. And this argument is a sufficient defense, not indeed for the thousand excesses which have stained these conquests, but for the conquests themselves.

The second proposition above advanced, namely, that the title which nature bestows upon man to her gifts is of the *usufruct* only, is, indeed, but a corollary from that which has just been discussed, or rather a part of it, for in saying that the gift is not to this nation or that, but to mankind, all generations, future as well as present, are intended. The earth was designed as the permanent abode of man through ceaseless generations. Each generation, as it appears upon the scene, is entitled only to *use* the fair inheritance. It is against the law of nature that any waste should be committed to the disadvantage of the succeeding tenants.¹ The title of each generation may be described in a term familiar

¹ Since the power of man over things extends no further than to use them accordingly as they are in their nature usable, things are not matter for consideration in law except in regard to the use or treatment of which they are capable. Hence no right to things can exist beyond the right to use them according to their nature; and this right is Property. No doubt a person can wantonly destroy a subject of property, or treat it in as many ways which are rather an abuse than a use of the thing. But such abuse is wasteful and immoral; and that it is not at the same time illegal, is simply because there are many duties of morality which it is impossible, inexpedient, or unnecessary for the positive law to incorporate or enforce. I therefore define property to be the right to the exclusive *use* of a thing.

It will, perhaps, be objected to this that if gathering the acorns, or other fruits of the earth, etc., makes a right to them, then any one may engross as much as he will.

to English lawyers as limited to an estate for life; or it may with equal propriety be said to be coupled with a trust to transmit the inheritance to those who succeed in at least as good a condition as it was found, reasonable use only excepted. That one generation may not only consume or destroy the annual increase of the products of the earth, but the stock also, thus leaving an inadequate provision for the multitude of successors which it brings into life, is a notion so repugnant to reason as scarcely to need formal refutation. The great writers upon the law of nature and nations properly content themselves with simply affirming, without laboring to establish, these self-evident truths.

The obligation not to invade the stock of the provision made by nature for the support of human life is in an especial manner imposed upon *civilized* societies; for the danger proceeds almost wholly from them. It is commerce, the fruit of civilization, and which at the same time extends and advances it, that subjects the production of each part of the globe to the demands of every other part, and thus threatens, unless the tendency is counteracted by efficient husbandry, to encroach upon the sources of supply. The barbaric man with sparse numbers scattered over the face of the earth, with few wants, and not engaged in commerce, makes but a small demand upon the natural increase. He never endangers the existence of the stock, and neither has, nor needs, the intelligent foresight to make provision for the future. But with the advance of civilization, the increase in population, and the multiplication of wants, a peril of overconsumption arises, and along with it a development of that prudential wisdom which seeks to avert the danger.

The great and principal instrumentality designed to counteract this threatening tendency is the institution of *private individual property*, which, by holding out to every man the promise that he shall have the exclusive possession and enjoyment of any increase in the products of nature which he may effect by his care, labor, and abstinence, brings into play the powerful motive of self-interest, stimulates the exertion in every direction of all his faculties, both of mind and body, and thus

To which I answer: Not so. The same law of nature that does by this means give us property, does also bound that property too. "God has given us all things richly," (1 Tim. vi, 17,) is the voice of reason confirmed by inspiration. But how far has he given it to us? To enjoy. As much as any one can make use to any advantage of life before it spoils, so much he may by his labor fix a property in. Whatever is beyond this is more than his share, and belongs to others. Nothing was made by God for man to spoil or destroy. (S. Martin Leaks, Jurid. Soc. Papers, Vol. 1, p. 532.)

leads to a prodigiously increased production of the fruits of the earth.

There are some provisions to this end which are beyond the power of private men to supply, or for supplying which no sufficient inducement can be held out to them, inasmuch as the rewards can not be secured to them exclusively; and here the self-interest of nations supplements and coöperates with that of individuals. A large share of the legislative policy of civilized states is devoted to making provision for future generations. Taxation is sought to be limited to the annual income of society. Permanent institutions of science are established for the purpose of acquiring a fuller knowledge of natural laws, to the end that waste may be restricted, the earth be made more fruitful, and the stock of useful animals increased. The destruction of useful wild animals is sought to be prevented by game laws, and the attempt is even made to restock the limitless areas of the seas with animal life which may be made subservient to man.

The same policy is observable in the ordinary municipal law of states. Whenever the possessor of property is incapable of good husbandry, and therefore liable to waste or misapply that part of the wealth of society which is confided to him, he is removed from the custody, and a more prudent guardian substituted in his place. Infants, idiots, and insane persons are deprived of the control of their property, and the state assumes the guardianship. This policy is adopted not merely out of regard to the private interests of the present owner, but in order also to promote the permanent objects of society by protecting the interests of future generations.

There are some exceptions, rather apparent than real, to the law which confines each generation to the increase or usufruct of the earth. Nature holds in some of her storehouses the slow accumulations of long preceding ages, which can not be reproduced by the agency of man. The products of the mineral kingdom, when consumed, can not be restored by cultivation. But here the operation of the institution of private property is still effective, by exacting the highest price, to limit the actual consumption to the smallest extent consistent with a beneficial use. Again, it is not possible to limit the consumption of useful wild birds to the annual increase; for they can not be made the subjects of exclusive appropriation as property, and consequently can not be increased in numbers by the care and abstinence of individual man. The motive of self-interest can not here be brought into play. But society still makes the only preservative effort

in its power by restricting consumption through the agency of game laws.

So, also, in the case of fishes inhabiting the seas and reproducing their species therein. It is impossible to limit the extent to which they may be captured; but here nature, as if conscious of the inability of man to take care of the future, removes the necessity, in most cases, for such care by the enormous provision for reproduction which she makes. The possible necessity, however, or the wisdom of endeavoring to supplement the provision of nature, has already been taken notice of by man, and efforts are now in progress to prevent an apprehended destruction of the stock. The case of fishes resorting, for the purposes of reproduction, to interior waters, has, for a long time, engaged the attention of governments, and much success has followed efforts to make the annual increase adequate to human wants.

SUMMARY OF DOCTRINES ESTABLISHED.

The foregoing discussion concerning the origin, foundation, extent, form, and limitations of the institution of property will, it is believed, be found to furnish, in addition to the doctrines of municipal law, decisive tests for the determination of the principal question, whether the United States have a property in the seal herds of Alaska; but it may serve the purposes of convenience to present, before proceeding to apply the conclusions thus reached, a summary of them in a concise form.

First. The institution of property springs from and rests upon two prime necessities of the human race:

1. The establishment of peace and order, which is necessary to the existence of any form of society.
2. The preservation and increase of the useful products of the earth, in order to furnish an adequate supply for the constantly increasing demands of civilized society.

Second. These reasons, upon which the institution of property is founded, require that every *useful* thing, the supply of which is *limited*,

and which is capable of ownership, should be assigned to some legal and determinate owner.

Third. The extent of the dominion which, by the law of nature, is conferred upon particular nations over the things of the earth, is limited in two ways:

1. They are not made the absolute owners. Their title is coupled with a trust for the benefit of mankind. The human race is entitled to participate in the *enjoyment*.

2. As a corollary or part of the last foregoing proposition, the things themselves are not given; but only the *increase* or *usufruct* thereof.¹

APPLICATION OF THE FOREGOING PRINCIPLES TO THE QUESTION OF PROPERTY IN THE ALASKAN HERD OF SEALS.

In entering upon the particular discussion whether, upon the principles above established, the United States have a property interest in the seal herd, it is obvious that we must have in mind a body of facts which have not, as yet, been fully stated.

We were obliged, indeed, while showing that the seals must be regarded as the subjects of property under the settled and familiar rules of municipal law, to briefly point out that the question whether they were, under that law, the subjects of property depended upon their nature and habits, and not upon whether they were to be classed under one or the other of the vague and uncertain general divisions of *wild* and *tame*; and also that they had, as part of their nature and habits, all the essential qualities upon which that law had declared several other descriptions of animals commonly designated as wild to be, nevertheless, the subjects of property. But this brief description is not sufficient for the purposes of the broader argument upon which we are now engaged: We should have in mind a complete knowledge of every material fact connected with these animals.

¹ In the foregoing discussion, which involves only the most general principles, and concerning which there is little controversy, we have avoided frequent reference to authorities in order not to interrupt the attention. But an examination of the authorities should not be omitted. To facilitate this, somewhat copious citations are gathered and arranged in the Appendix to this portion of the argument.

The first step, therefore, in the further progress of our argument must be to assemble more precisely and fully our information concerning the utility of these animals, their nature and habits, the modes by which they are pursued and captured, the danger of extermination to which they are exposed, from what modes of capture that danger arises, whether it is capable of being averted, and by what means. We proceed, therefore, to place before the learned Arbitrators a concise statement of the facts bearing upon these points.

And first, concerning their *utility*. That they belong to the class of useful animals is, of course, a conceded fact; but in this general admission the extent of the utility, the magnitude of the blessing which they bring to man, may not be adequately estimated. They are useful for food, and constitute a considerable part of the provision for this purpose which is available to many of the native tribes of Indians who inhabit the coasts along which their migrations extend. They are absolutely necessary for this purpose to the small native population of the Pribilof Islands. These could not subsist if this provision were lost. They are useful for the oil which they afford; but their principal utility consists in their skins, which afford clothing, not only to the native tribes above mentioned, but, when prepared by the skill which is now employed upon them, furnish a garment almost unequaled for its comfort, durability, and beauty. There is, indeed, no part of the animal which does not subserve some human want. The eagerness with which it is sought, and the high price which the skins command in the markets of the world, are further proof of its exceeding utility. Its prodigious numbers, even after the havoc which has been wrought by the relentless war made upon it by man, exhibit the magnitude of the value of the species; and if we add to these numbers, as we justly may, the increase which would come if its former places of resort, which have been laid waste by destructive pursuit, should be again, by careful and protected cultivation, repeopled, the annual supply would exceed the present yield perhaps tenfold.

Leaving out of view here the unlawful character of the employment, we may say that there is a further utility in the employment given to human labor in the pursuit and capture of the animal and the manufacture of the skins. There are probably two thousand persons employed for a large part of the year in the taking of seals at sea, and a large number in the building of the vessels and making of the implements required in that occupation. A much larger number, principally

inhabitants of Great Britain, are wholly employed in the preparation of the skins for market. The annual value of the manufactured product can scarcely be less than \$5,000,000 or \$6,000,000.

But this last mentioned utility, that which arises from the employment given to industry, is not absolute and permanent. If the industry were destroyed by the total destruction of the seals, some inconvenience would doubtless be felt before the labor could be diverted into other channels. It could, however, and would, be so diverted, and the loss would thus be repaired. But, as already observed, the case would be different with the loss inflicted upon those who *use* the skins. No substitute could supply this loss; nor would there be any corresponding gain. In the case of some useful wild animals, the American bison, for instance, which inhabit the earth and subsist upon its fruits, and which are necessarily exterminated by the occupation of the wild regions over which they roam, there is a more than compensating advantage in the more numerous herds of tamed animals which subsist upon the same food. But the seal occupies no soil which would otherwise be useful. The food upon which it subsists comes from the illimitable storehouses of the seas, and could not otherwise be made productive of any distinct utility.

We are next to take into more particular consideration the *nature and habits* of the seal, and the other circumstances above adverted to which enable us to measure the perils to which the existence of the race is exposed, and the means by which these may be best counteracted. It is here that we encounter, for the first time, any material contradiction and dispute in the evidence; and, inasmuch as it is in a high degree important that we should ascertain the precise truth upon these points, it should be clearly understood what evidence is really before the arbitrators, and what measure of credit and weight should be allowed to the different classes of evidence. Any critical and detailed discussion of the evidence, if incorporated into the body of the argument, might involve interruptions too much protracted in the chain of reasoning, and will, for that reason, be separately presented in appendices; but some general notion should be had at the outset of the relative importance of the various pieces of evidence.

First. There is a large body of *common knowledge* respecting the natural history of animals and the facts of animal life, which all intelligent and well educated minds are presumed to possess. In the absence of those facilities, such as municipal tribunals afford for the pro-

duction and examination of witnesses, it is supposed by the undersigned that this common knowledge may, with large latitude, be deemed to be already possessed by the learned Arbitrators, and to be available in the discussion and decision of the controversy.

Second. In the next place this knowledge may be supplemented by an appeal to the authoritative writings of scientific and learned men, and also to the writings of trustworthy historians and of actual observers of the facts which they relate.

Third. The reports, both joint and separate, of the Commissioners appointed in pursuance of the ninth article of the Treaty, are, by the terms of the Treaty, *made evidence*, and were undoubtedly contemplated as likely to furnish most important and trustworthy information.

Fourth. The testimony of ordinary witnesses, actual observers of the facts to which they testify. This is contained in *ex parte* depositions, but must, notwithstanding, be received as competent. No mode having been provided by which witnesses could be subjected to cross-examination, these depositions must be accepted as belonging to the class of best obtainable evidence. The necessity of caution and scrutiny in the use of it is manifest; but it may be found to be of great value, depending upon the number of concurring voices, and the degree of intelligence and freedom from bias which may be exhibited.

Concerning the reports of the Commissioners, some observations are appropriate in this place. Their duties were defined in concise but very clear language in the ninth article of the Treaty, as follows:

Each Government shall appoint two Commissioners to investigate, conjointly with the Commissioners of the other Government, all the facts having relation to seal life in Bering Sea, and the measures necessary for its proper protection and preservation.

The four Commissioners shall, so far as they may be able to agree, make a joint report to each of the two Governments, and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

They found themselves unable to agree, except upon a very few points, the most important of which are expressed in the following language:

5. We are in thorough agreement that, for industrial as well as for other obvious reasons, it is incumbent upon all nations, and particularly upon those having direct commercial interests in fur-seals, to provide for their protection and preservation. * * *

7. We find that since the Alaska purchase a marked diminution in the number of seals on and habitually resorting to the Pribilof Islands has taken place; that it has been cumulative in effect, and that it is the result of excessive killing by man.¹

¹ Case of the United States, p. 309.

These gentlemen were, some of them at least, men eminent in the world of science, and acknowledged experts upon the subject committed to them for examination. The language of the treaty simply called for their opinions and advice upon a question mainly scientific. What was the reason which prevented them from coming to an agreement? Was it that the question was a difficult and doubtful one upon which men of science might well differ? It would seem not. It is described in the joint report as being "considerable difference of opinion on certain fundamental propositions." What it really was appears from the separate Report of the Commissioners of the United States.¹ They conceived, as is therein stated by them, that the only subject which they were to consider was the facts relating to seal life in the Bering Sea, and what measures were necessary to secures its preservation. If there were any question of property, or international right, or political expediency, involved, it was, presumably, to be determined by others. They had no qualifications for such a task, and were not called upon to perform it. But the Commissioners of Great Britain took a different view. In that view the question of the respective national rights of Great Britain and the United States was one of "fundamental importance," and no measures were entitled to consideration which denied or ignored the supposed right of subjects of Great Britain to carry on pelagic sealing. Their understanding of the question upon which they were to give an opinion was not simply what measures were necessary to preserve the seals fro m extermination but what were the measures most effective to that end which could be devised *consistently with a supposed right on the part of nations generally to carry on pelagic sealing.* It is not surprising that no agreement could be reached. There was a radical difference of opinion between the Commissioners in respect to their functions. According to the views of the United States Commissioners, a question mainly scientific was submitted to them; but their associates on the part of Great Britain thought that legal and political questions were also submitted, or, if not submitted, that they were bound to act upon the view that the range of their scientific inquiry was bounded and limited by assumptions which they were required to make respecting international rights; in other words, their functions were not those of scientific seekers for the truth, but diplomatic agents, intrusted with national interests, and charged with the duty of making the best agreement they could consistently with those interests.

It seems very clear that this conception of their powers and functions was wholly erroneous. There were differences between Great Britain and the United States respecting the subject of pelagic seal hunting; but both nations were agreed that it was extremely desirable that the capture of seals should be so regulated, if possible, as to prevent the extermination of the species. It was extremely desirable to both parties to know one thing, and that was, whether any, and if any, what measures were *necessary* in order to prevent this threatened extermination. This was a mainly scientific question; but whether the measures which might be found to be thus necessary could be acceded to by both parties to the controversy was quite another question, the decision of which was lodged with the political representatives of the respective governments. If they should be prepared to accede to them, all difficulty would be removed. If they should not be able to agree, a tribunal was provided with power to determine what should be done, and the reports of the Commissioners were to be laid before it for its instruction.

Such being the view which the Commissioners of Great Britain took of their own functions, their report should be regarded as partaking of the same character, and such it appears to be upon inspection. There is in no part of it any purpose discernible to discover and reveal the true cause which is operating to diminish the numbers of the fur-seal, and to indicate the remedy, if any, which science points out. It is apparent throughout the report that its authors conceived themselves to be *charged with the defense* of the Canadian interest in pelagic sealing; and it consequently openly exhibits the character of a labored apology for that interest, particularly designed to minimize its destructive tendency, and to support a claim for its continued prosecution. This being its distinguishing feature, it is, with great respect, submitted that any weight to be allowed to it as evidence should be confined to the *statements of facts* which fell under the observation of its authors; that these should be regarded as the utterances of unimpeachable witnesses of the highest character, testifying, however, under a strong bias; and that the opinions and reasonings set forth in it should be treated with the attention which is usually accorded to the arguments of counsel, but as having no value whatever as *evidence*.

In thus pointing out the general character of the Report of the Commissioners of Great Britain, no reflection is intended upon its authors. Similar observations would be applicable to the Report of the United

States Commissioners had they taken the same view of their functions. Their conception, however, of the duties imposed upon them was widely different. They regarded themselves as called upon simply to ascertain the truth, whatever it might be, concerning "seal life in Behring Sea and the measures necessary for its proper protection and preservation." This seemed to them essentially a scientific inquiry, and not to embrace any consideration of national rights, or of the freedom of the seas—a class of questions which they would probably have deemed themselves ill qualified to solve. They are not, indeed, to be presumed to be less interested in behalf of their own nation than their associates on the side of Great Britain; but as they did not conceive themselves charged with the duty of protecting a supposed national interest, they could remember that science has no native country, and that they could not defend themselves, either in their own eyes, or before their fellows of the scientific world, if they had allowed the temptations of patriotism to swerve them from the interests of truth. Their report is earnestly recommended to the attention of the Tribunal as containing a statement of all the material facts relating to seal life, uncolored by national interest, and clearly presenting the scientific conclusions which those facts compel.

From the evidence classified as above, which may be regarded as being before the Tribunal, we now proceed to collect the principal facts relating to seal life, and the methods by which the animal is pursued and captured, so far as those facts are material in the inquiry whether the United States have the property interest asserted by them. For the principal facts of seal life we borrow the statement contained in the report of the United States Commissioners.

PRINCIPAL FACTS IN THE LIFE HISTORY OF THE FUR-SEAL.

1. The Northern fur-seal (*Callorhinus ursinus*) is an inhabitant of Bering Sea and the Sea of Okhotsk, where it breeds on rocky islands. Only four breeding colonies are known, namely, (1) on the Pribilof Islands, belonging to the United States; (2) on the Commander Islands, belonging to Russia; (3) on Robben Reef, belonging to Russia; and (4) on the Kurile Islands, belonging to Japan. The Pribilof and Commander Islands are in Bering Sea; Robben Reef is in the Sea of Okhotsk, near the island of Saghalien, and the Kurile Island sare between Yezo and Kamchatka. The species is not known to breed in any other part of the world. The fur-seals of Lobos Island and the south seas, and also those of the Galapagos Islands and the islands off lower California, belong to widely-different species, and are placed in different genera from the Northern fur-seal.

2. In winter the fur-seals migrate into the North Pacific Ocean. The herds from the Commander Islands, Robben Reef, and the Kurile Islands move south along the Japan coast, while the herd belonging to

the Pribilof Islands leaves Bering Sea by the eastern passes of the Aleutian chain.

3. The fur-seals of the Pribilof Islands do not mix with those of the Commander and Kurile Islands at any time of the year. In summer the two herds remain entirely distinct, separated by a water interval of several hundred miles; and in their winter migrations those from the Pribilof Islands follow the American coast in a southeasterly direction, while those from the Commander and Kurile Islands follow the Siberian and Japan coasts in a southwesterly direction, the two herds being separated in winter by a water interval of several thousand miles.

This regularity in the movements of the different herds is in obedience to the well-known law that *migratory animals follow definite routes in migration, and return year after year to the same places to breed.* Were it not for this law, there would be no such thing as stability of species, for interbreeding and existence under diverse physiographic conditions would destroy all specific characters.¹

The pelage of the Pribilof fur-seals differs so markedly from that of the Commander Islands fur-seals that the two are readily distinguished by experts, and have very different values, the former commanding much higher prices than the latter at the regular London sales.

4. The old breeding males of the Pribilof herd are not known to range much south of the Aleutian Islands, but the females and young appear along the American coast as far south as northern California. Returning, the herds of females move northward along the coasts of Oregon, Washington, and British Columbia in January, February, and March, occurring at varying distances from shore. Following the Alaska coast northward and westward, they leave the North Pacific Ocean in June, traverse the eastern passes in the Aleutian chain, and proceed at once to the Pribilof Islands.

5. The old (breeding) males reach the islands much earlier, the first coming the last week in April or early in May. They at once land and take stands on the rookeries, where they await the arrival of the females. Each male (called a bull) selects a large rock, on or near which he remains until August, unless driven off by stronger bulls, never leaving for a single instant, night or day, and taking neither food nor water. Both before and for sometime after the arrival of the females (called cows) the bulls fight savagely among themselves for positions on the rookeries and for possession of the cows, and many are severely wounded. All the bulls are located by June 20.

6. The bachelor seals (holluschickie) begin to arrive early in May, and large numbers are on the hauling grounds by the end of May or first week of June. They begin to leave the islands in November, but many remain into December or January, and sometimes into February.

7. The cows begin arriving early in June, and soon appear in large schools or droves, immense numbers taking their places on the rookeries each day between the middle and end of the month, the precise dates varying with the weather. They assemble about the old bulls in compact groups, called harems. The harems are complete early in July,

¹The home of a species is the area over which it breeds. It is well known to naturalists that migratory animals, whether mammals, birds, fishes, or members of other groups, leave their homes for a part of the year because the climatic conditions or the food supply become unsuited to their needs; and that wherever the home of a species is so situated as to provide a suitable climate and food supply throughout the year, such species do not migrate. This is the explanation of the fact that the northern fur-seals are migrants, while the fur-seals of tropical and warm temperate latitudes do not migrate.

at which time the breeding rookeries attain their maximum size and compactness.

8. The cows give birth to their young soon after taking their places on the harems, in the latter part of June and in July, but a few are delayed until August. The period of gestation is between eleven and twelve months.

9. A single young is born in each instance. The young at birth are about equally divided as to sex.

10. The act of nursing is performed on land, never in the water. It is necessary, therefore, for the cows to remain at the islands until the young are weaned, which is not until they are four or five months old. Each mother knows her own pup, and will not permit any other to nurse. This is the reason so many thousand pups starve to death on the rookeries when their mothers are killed at sea. We have repeatedly seen nursing cows come out of the water and search for their young, often traveling considerable distances and visiting group after group of pups before finding their own. On reaching an assemblage of pups, some of which are awake and others asleep, she rapidly moves about among them, sniffing at each, and then gallops off to the next. Those that are awake advance toward her, with the evident purpose of nursing, but she repels them with a snarl and passes on. When she finds her own, she fondles it a moment, turns partly over on her side so as to present her nipples, and it promptly begins to suck. In one instance we saw a mother carry her pup back a distance of fifteen meters (50 feet) before allowing it to nurse. It is said that the cows sometimes recognize their young by their cry, a sort of bleat.

11. Soon after birth the pups move away from the harems and huddle together in small groups, called "pods," along the borders of the breeding rookeries and at some distance from the water. The small groups gradually unite to form larger groups, which move slowly down to the water's edge. When six or eight weeks old the pups begin to learn to swim. Not only are the young not born at sea, but if soon after birth they are washed into the sea they are drowned.

12. The fur-seal is polygamous, and the male is at least five times as large as the female. As a rule each male serves about fifteen or twenty females, but in some cases as many as fifty or more.

13. The act of copulation takes place on land, and lasts from five to ten minutes. Most of the cows are served by the middle of July, or soon after the birth of their pups. They then take the water, and come and go for food while nursing.

14. Many young bulls succeed in securing a few cows behind or away from the breeding harems, particularly late in the season (after the middle of July, at which time the regular harems begin to break up). It is almost certain that many, if not most, of the young cows are served for the first time by these young bulls, either on the hauling grounds or along the water front.

These bulls may be distinguished at a glance from those on the regular harems by the circumstance that they are fat and in excellent condition, while those that have fasted for three months on the breeding rookeries are much emaciated and exhausted. The young bulls, even when they have succeeded in capturing a number of cows, can be driven from their stands with little difficulty, while (as is well known) the old bulls on the harems will die in their tracks rather than leave.

15. The cows are believed to take the bull first when two years old, and deliver their first pup when three years old.

16. Bulls first take stands on the breeding rookeries when six or seven

years old. Before this they are not powerful enough to fight the older bulls for positions on the harems.

17. Cows, when nursing, regularly travel long distances to feed. They are frequently found 100 or 150 miles from the islands, and sometimes at greater distances.

18. The food of the fur-seal consists of fish, squids, crustaceans, and probably other forms of marine life also. (See Appendix E.)

19. The great majority of cows, pups, and such of the breeding bulls as have not already gone, leave the islands about the middle of November, the date varying considerably with the season.

20. Part of the nonbreeding male seals (*hollus chickie*), together with a few old bulls, remain until January, and in rare instances until February, or even later.

21. The fur-seal as a species is present at the Pribilof Islands eight or nine months of the year, or from two-thirds to three fourths of the time, and in mild winters sometimes during the entire year. The breeding bulls arrive earliest and remain continuously on the islands about four months; the breeding cows remain about six months, and part of the nonbreeding male seals about eight or nine months, and sometimes throughout the entire year.

22. During the northward migration, as has been stated, the last of the body or herd of fur-seals leave the North Pacific and enter Bering Sea in the latter part of June. A few scattered individuals, however, are seen during the summer at various points along the Northwest Coast; these are probably seals that were so badly wounded by pelagic sealers that they could not travel with the rest of the herd to the Pribilof Islands. It has been alleged that young fur-seals have been found in early summer on several occasions along the coasts of British Columbia and southeastern Alaska. While no authentic case of the kind has come to our notice, it would be expected from the large number of cows that are wounded each winter and spring along these coasts and are thereby rendered unable to reach the breeding rookeries and must perforce give birth to their young—perhaps prematurely—wherever they may be at the time.

23. The reason the northern fur-seal inhabits the Pribilof Islands to the exclusion of all other islands and coasts is that it here finds the climatic and physical conditions necessary to its life wants. This species requires a uniformly low temperature and overcast sky and a foggy atmosphere to prevent the sun's rays from injuring it during the long summer season when it remains upon the rookeries. It requires also rocky beaches on which to bring forth its young. No islands to the northward or southward of the Pribilof Islands, with the possible exception of limited areas on the Aleutian chain, are known to possess the requisite combination of climate and physical conditions.

All statements to the effect that fur-seals of this species formerly bred on the coasts and islands of California and Mexico are erroneous, the seals remaining there belonging to widely different species.

In the general discussion of the question submitted to the Commission it will be convenient to consider the subject under three heads, namely:

Conditions of seal life in the region under consideration at the present time.

Causes, the operation of which lead to existing conditions.

Remedies, which if applied would result in the restoration of seal life to its normal state, and to its continued preservation in that state.

We make no apology for adopting these statements of the United States Commissioners in their own language. The facts could hardly be more precisely expressed, and it is believed that every part of the statement will be accepted by the Tribunal as true. There is, indeed, but little to be found even in the report of the Commissioners of Great Britain in the way of direct contradiction. In order, however, that the Arbitrators may be facilitated in the verification of any facts as to which they may be in doubt, a brief discussion of the facts as to which any question has been made in the Report of the British Commissioners will be found in Part Sixth of this Argument (pp. 228-313).

There are certain material propositions of fact which are not wholly embraced in the above above quoted extract from the Report of the Commissioners of the United States, although they are substantially contained therein, which deserve formal and separate statement.

First. In addition to the climatic and physical conditions above enumerated as necessary to render any place suitable for a breeding ground for the seals, exemption from hostile attack or molestation by man, or other terrestrial enemies, should be included. The defenceless condition of these animals upon the land renders this security indispensable. If no terrestrial spot could be found possessing the favorable climatic and physical requirements above mentioned, and which was not at the same time exempt from the unregulated and indiscriminate hostility of man, the race would speedily pass away.

Second. The mere presence of man upon the breeding places does not repel the seals, nor operate unfavorably upon the work of reproduction. On the contrary, presence and the protection which he alone is capable of affording, by keeping off marauders, are absolutely necessary to the preservation of the species in any considerable numbers.

Third. If man invites the seals to come upon their chosen resorts, abstains from slaughtering them as they arrive, and cherishes the breeding animals during their sojourn, they will as confidently submit themselves to his power as domestic animals are wont to do. It then becomes entirely practicable to select and separate from the herd for slaughter such a number of nonbreeding animals as may be safely taken without encroaching upon the permanent stock.

Fourth. If the herd were exempt from any depredation by man, its numbers would reach a point of equilibrium at which the deficiency of food, or other permanent conditions, would prevent a further increase. At this point, the animal being of a *polygamous* nature, an annual draft from nonbreeding males might be made by man of 100,000—perhaps a larger number—without causing any appreciable permanent diminution of the herd.

Fifth. Omitting from view, as being inconsiderable, such killing of seals as is carried on by Indians in small boats from the shore, there are two forms of capture at present pursued: That carried on under the authority of the United States upon the Pribilof Islands, and that carried on at sea by vessels with boats and other appliances.

Sixth. The killing at the Pribilof Islands if confined, as is entirely practicable, to a properly restricted number of non-breeding males, and if pelagic sealing is prohibited, does not involve any danger of the extermination of the herd, or of appreciable diminution in its normal numbers. It is far less expensive than any other mode of slaughter, and furnishes the skins to the markets of the world in the best condition. The killing at these islands, since the occupation by the United States, has been restricted in the manner above indicated. It has been the constant endeavor of the United States to carefully cherish the seals and to make no draft except from the normal and regular increase of the herd. If there has at any time been any failure in carrying out such intention, it has been from some failure to carry out instructions, or want of knowledge respecting the condition of the herd. The United States are under the unopposed influence of the strongest motive, that of self-interest, to so deal with the herd as to maintain its numbers at the highest possible point. The annual draft made at the islands since the occupation of the United States has been until a recent period about 100,000. This draft would be in no way excessive were it the only one made upon the herd by man.

Seventh. Pelagic sealing has three inseparable incidents:

(1) The killing can not be confined to males; and such are the greater facilities for taking females that they comprise three-fourths of the whole catch.

(2) Many seals are killed, or fatally wounded, which are not recovered. At least one-fourth as many as are recovered are thus lost.

(3) A large proportion of the females killed are either heavy with young, or have nursing pups on the shore. The evidence upon these points is fully discussed in Appendix.

Eighth. Pelagic sealing is, therefore, by its nature, destructive of the stock. It can not be carried on at all without encroaching *pro tanto* upon the normal numbers of the herd, and, if prosecuted to any considerable extent, will lead to such an extermination as will render the seal no longer a source of utility to man.

Returning to the main proposition hereinbefore established, that some legal and determinate owner must be assigned to all tangible things which are (1) objects of desire, and (2) limited in supply, and (3) capable of ownership, the question is, do the Alaskan fur-seals exhibit these three essential conditions of property? Respecting the first two, no discussion is needed. That this animal is in the highest degree useful to man, and an object of eager human desire, is not questioned, and this earnest controversy is abundant proof of it. That the supply is limited and in danger of being cut off by the depredations of man is agreed to by the parties.¹ Whatever difference there may be, must and does arise upon the question whether the animal is *susceptible of ownership*. Doubt and difference are indeed possible here, and the first step in the effort to remove them should be to have a clear understanding of the meaning of the term, *susceptibility of ownership*. The definition which would naturally be first given is susceptibility of appropriation by the owner to his own use to the exclusion of all others. But this does not render the whole language entirely intelligible. We still need to know how it is possible for man to *make* this sort of exclusive appropriation to himself. What are the *acts* which are sufficient to constitute it? Must the thing, in order to be thus appropriated, be actually *in manu*, or otherwise physically attached to the person of the owner, or even within his immediate reach and sight, so that he can immediately assert his appropriation and forbid all intrusion upon it?

It is here that the conception of *ownership*, as distinct from mere *possession*, comes into view, and, inasmuch as it has a close bearing

¹ Joint Report, Case of the United States, p. 309.

upon the subject of our discussion, it should receive corresponding attention. In the rude ages of society there was but little occasion to assert a right of property beyond the few necessary things which life required, and these were mostly held in immediate possession, which could be defended by individual power. Clothing was upon the person, and the weapons for the chase, and the few agricultural implements were within immediate reach. The stock of cattle and any surplus stores of food were the property of the community or tribe. But, upon the change to private property, individuals, in pursuance of natural desires, would seek to provide themselves with increased abundance of cattle and agricultural products as stores for the future. In this and manifold other ways there arose a need for protection to these accumulations when beyond the immediate possession of the producer. If they were taken by another, the attempt would be made to regain them by force; and the disposition to produce and save would be discouraged by the difficulty and danger. The same necessities out of which property arose, namely, the peace and order of society and its advancement, forced a development in the conception, and gave birth to the idea of *ownership* as distinct from and independent of actual *possession*. Society came to the aid of individual power, and undertook to guaranty to the individual the peaceful enjoyment of what he had produced by stamping upon it his personality.

We thus perceive that the idea of *ownership* as distinct from *possession* is not an original conception. It is the product of an evolution in thought, which has accompanied the progress of man. An able English writer, in the course of an interesting sketch of the successive stages of this development observes:

The fact or institution of ownership is such an indispensable condition to any material or social progress that, even throughout the period during which the attention of law is concentrated upon family and village ownership, the ownership on the part of individual persons, of those things which are needed for the sustenance of physical life, becomes increasingly recognized as a possibility or necessity. One of the most important steps out of savagery into civilization is marked by the fact that the security of tenure depends upon some further condition than the mere circumstance of possession.

The use of the products of the earth, and still more, the manufacture of them into novel substances, consists, generally, of continuous processes extending over a length of time during which the watchful attention of the worker can only be intermittently fixed upon all the several points and stages. The methods of agriculture and grazing, as well as the simplest applications of the principle of division of labor, similarly presuppose the repeated absence of the farmer or mechanic from one part of his work, while he is bestowing undistracted toil upon

another part; or else entire absorption in one class of work, coupled with a steady reliance that another class of work, of equal importance to himself, is the object of corresponding exertion on the part of others.

In all these cases the mere fact of physical holding or *possession*, in the narrowest sense, is no test whatever of the interests or claims of persons in the things by which they are surrounded.¹

¹ The Science of the Law, by Sheldon Amos, Lond., 1881, pp. 148, *et seq.* A distinguished French jurist thus traces the development of the conception of *ownership* as distinct from possession:

"SEC. 64. If the laws attached to property and those which are derived from it are now very extensive it was not thus originally. Property was confounded with possession and it was lost with it.

"Before the foundation of the civil state the earth was no one's; the fruits belonged to the first occupant. The men that were distributed over the globe lived in a state which the writers who have written on natural law have termed negative community, in distinction from positive community, in which several associates held in common ownership an indivisible thing belonging to each in a certain portion.

"Negative community, on the contrary, consisted in that the thing common to all did not belong more to each one of them in particular than to the other, and in that no one could prevent another from taking that which he considered proper to make use of in his needs.

"This doctrinal expression of negative community signifies nothing else but the primitive and determinate right (*droit*) that all men had originally to make use of the goods which their earth offered, as long as no one had yet taken possession of them.

"SEC. 65. It is this which is termed the right of the first occupant. He who first possesses himself of a thing acquires over it a kind of transient ownership, or, to speak more exactly, a right of preference which others should respect. They should leave that thing to him while he possesses it; but, after he had ceased to make use of it or to occupy it, another in his turn might make use of it or occupy it.

"If the older possessor had invoked his past possession as a right of preference still existing, the younger could be able to answer by his present possession; and when, furthermore, rights are equal on both sides, it is just and natural that the actual possessor should be preferred; for to take possession away from him there should be a stronger right than his own.

"Thus the right of occupation is a title of legitimate preference founded on nature.

"SEC. 66. The existence of this primitive state of negative community is incontestable; proofs of the same are found in Genesis, the most ancient of all books, and the most venerable even when considering it only from an historical point of view.* The poets, in their picturing of the Golden Age, have left us ornamented works, but inaccurate ones. The ancient historians have transmitted to us tradition; and, finally, examples thereof were found again in the habits of the savage tribes of America when that continent was discovered.

"SEC. 67. Thus, following a comparison of Cicero, the world was like a vast theater belonging to the public, and of which each seat became the property of the first occupant as long as it suited him to remain therein, but which he could not prevent another from occupying after he had left it.

"SEC. 68. But how could this preference acquired by occupation have become a stable and permanent ownership, that would continue to subsist and could be reclaimed after the first occupant had ceased to be in possession?

"It was agriculture that gave birth to the idea of and made felt its necessity for permanent property. In measure as the number of men increased, it became more

* Genesis, I, 28 and 29.

The range of thought by which the rights of ownership are limited to a clear physical possession is characteristic of the barbaric age. The first advances beyond it are promoted and accompanied by the beginnings of the conception of *ownership* as distinct from *possession*, and the full development of that conception is the condition and accompaniment of the advanced stages of civilization. Its final expression is in the main proposition which stands at the basis of our argument, and was laid down at the beginning, namely, that every useful thing the supply of which is limited should be the property of a determinate owner, provided it is susceptible of exclusive appropriation. With those things which are capable of actual possession at all times there is no difficulty. The right of property once established by possession continues, but in the case of those things not thus capable the law

difficult to find new uninhabited lands; and on the other hand continued habitation of the same place engendered a too rapid consumption of the natural fruits of the earth for them to suffice for the subsistence of all the inhabitants and of their flocks, without changing locality, or without providing therefor by cultivation in a constant and regular manner.

"Thus agriculture was the natural result of the increase of the human species; agriculture in turn favored population, and rendered necessary the establishment of permanent property. For who would give himself the trouble to labor and to sow, if he had not the certainty of reaping?

"The field that I have cleared and sown should belong to me at least until I have gathered the fruits that my labor has produced. I have the right to employ force to repulse the unjust person who would wish to dispossess me of it and to drive away him who should have seized it during my absence. I am regarded as continuing to occupy the field from the first tillage to the harvest, though, in the interval, I do not perform each moment exterior acts of occupation or of possession, because one cannot suppose that I have cleared, cultivated, and sown without intention to reap.

"SEC. 69. This habitual occupation, which results from cultivation, preserves therefore the right of preference which I had acquired by first occupation. It is this habitual occupation which civil law (*le droit civil*) extended and applied as a means of preserving possession, in establishing as a maxim that possession is preserved by sole intention, *nudo animo*.

"Cultivation forms a stronger and more lasting tie than simple occupation; it gives a perfect right to the harvest. But how maintain a right (*droit*) other than by doubtful contest before the foundation of the civil state?

"SEC. 70. Moreover the right which cultivation gives and the effects of occupation which are derived therefrom cease with the harvest if there are no new acts of cultivation; for nothing would further indicate an intention to occupy. The field which would cease to be cultivated would again become vacant and subject to the right of the first occupant.

"Agriculture alone, therefore, was not sufficient to establish permanent property; and since as before the invention and the usage of agriculture, property was acquired by occupation, was preserved by continued or habitual possession, and was lost with possession. This principle is still followed in regard to things which have remained in the primitive state or negative community, such as savage animals.

"SEC. 71. In order to give to property a nature of stability which we observed in

does not lend its aid to reinforce the imperfect possession unless the great purposes of human society require it.

That it will lend its aid to the utmost extent when necessary in order to attain its own great purposes is made manifest by the tendency of the advancing civilization of the present age to award a right of property in the products of the mind, which are wholly intangible and not the subject of possession in any form, and to extend the right, not only by municipal law throughout the territories of particular states, but beyond their boundaries by the means of an international recognition. This right, fully defended by natural law, and long established in respect of useful inventions in the arts, has been for years pressing for recognition in respect to all the products of the mind and throughout the world. Its inherent moral force has secured a certain measure of obedience without the aid which is furnished by judicial tribunals, and

it to-day, positive laws and magistrates to execute them were necessary; in other words, the civil state was required.

"The increase of the human species had rendered agriculture necessary; the need no assure to the cultivator the fruits of his labor made felt the necessity of permanent property and of laws to protect them. Thus, it is to property that we owe the foundation of the civil state. Without the tie of property it would never have been possible to subject man to the salutary yoke of the law; and without permanent property the earth would have continued to remain a vast forest.

"Let us say, therefore, with the most exact writers, that if transient ownership or the right of preference with occupation gives, is anterior to the foundation of civil society, permanent ownership, as we know it to-day, is the work of civil law.

It is civil law which has established as a maxim that once acquired property is never lost without the act of the owner, and that it is preserved even after the owner has lost possession or detention of the thing, and when it is in the hands of a third party.

Thus property and possession, which in the primitive state were confounded, became by the civil law two distinct and independent things; two things which, according to the language of the laws, have nothing in common between them. Property is a right, a legal attribute; possession is a fact.

It is seen by this what prodigious changes have been wrought in property, and how much civil laws have changed its nature.

SEC. 72. This change was effected by means of real action that the laws granted against the possessor whoever he might be, to compel him to surrender the thing to the owner who had lost possession thereof. This action was granted to the owner not alone against the possessor in bad faith, but also against the possessor in good faith, to whom the thing had come without fraud or without violence, without his being cognizant of the owner's rights, and even though he had acquired it from a third party by virtue of a legal title.

SEC. 73. Property was, therefore, considered a moral quality inherent in the thing, as a real tie which binds it to the owner, and which can not be severed without an act of his.

This right of reclaiming a thing in whatever hands it is found is that which forms the principal and distinctive characteristic of property in the civil state. (Toullier French Civil Law, Paris, 1842, 5th ed., vol. 3, tit. 2, ch. 1.)

its complete establishment by the instrumentality of formal international copyright laws is impatiently awaited.

These considerations lead up to the particular problem upon which we are engaged, namely, what is *capability of ownership*, that is to say, under what circumstances, and to what extent, will and does society step in and *aid the infirmity of individual power* by stamping the character of *ownership* upon things which are out of the actual possession and away from the presence of the owner! The general answer is obvious; it will do this whenever social necessities require, and to the extent to which they require it. And this answer is best justified by pointing out what society, through the instrumentality of the law, universally does. We may first look to the instance of *land*.

In respect to the earth itself, society will recognize no title which is not directly, or indirectly, acquired from itself. No man is permitted to assert in respect to uninhabited countries, or countries inhabited only by savages, a private title. But nations may assert a title thereto, although there is a limit to such assertion. No nation can assert an ownership over such lands to an extent greater than it can reasonably occupy and improve. The limit is found in that principle of the law of nature which declares that the earth was made for mankind, and in order to enable the human race to carry out its destiny, and that to this end civilized nations may supplant barbarous ones; but that every nation in thus appropriating to itself the waste places of the earth, must not take from others what it can not itself improve and apply to the great destiny for which in the order of nature it has been given.

In respect to individual ownership of lands, the state will recognize and maintain private titles to such lands as it chooses to give. Sometimes, as we have already shown, in early and rude social conditions, it prefers to give nothing, but to retain the ownership in itself. In general, however, civilized societies permit and encourage the acquisition of lands by individuals and place no limits upon the extent of acquisition. Society acts upon the assumption, for the most part undoubtedly correct, that under individual ownership its territories will be best improved and turned to the purposes intended by nature. That the underlying motive upon which society acts is the intention that the soil should be devoted to those purposes to which the law of nature dictates that it should be applied, is well manifested by the circumstance that, where the action of the private proprietors tends to counteract this policy, the state is often moved to revoke its gifts, and make

a new disposition of its lands in harmony with natural law. This tendency is observable where great proprietors reserve large tracts of land for game preserves, for the purposes of mere pleasure, or hold them under a system of rental unfavorable to agricultural improvement, and not adapted to supply the wants of an increasing population. The recent legislation of Great Britain in respect to Ireland is a notable instance of an assertion by the State of that supreme dominion over its lands which a nation always retains, to the end that they may be made the more subservient to the purposes for which the earth was destined.

From what has just been said it is apparent that land, although no individual can actually appropriate more than a very small area to his exclusive use, is nevertheless regarded in the law as *susceptible of exclusive appropriation*. The state permits its citizens to assert title to it to an unlimited extent, and the assertion may be made without even any formal physical act of possession. No fences or inclosures even are necessary. The execution of an instrument in writing is of itself sufficient. The law steps in to aid individual power and enables a private person to hold title to a province as securely as he holds the harvests he reaps from his fields with his own hands.

And the reason is immediately obvious. It is only by the award of property that the earth will be *cultivated*. No man will sow that another may reap; but if the law will lend its aid to human power by protecting the owner of land in his exclusive enjoyment of it, he can and will draw from it by his art and industry its annual product without impairing its capacity for production, and will even increase that capacity. This is the only way in which an increased population can be supported. Social necessity, therefore, requires that land should be deemed susceptible of exclusive appropriation, and all structures affixed to the land become a part of it and are property together with it.

In respect to such *movable things* as are the fruits of the land or the products of industry, there is no limit to the assertion of ownership, and the circumstance of actual possession is absolutely immaterial. The fruits of the cultivation of the earth must, of course, be the property of the husbandman, else his title to the soil would be unavailing, and, in respect to all other products of industry, the same social necessity protects them as property. But for such protection they would not be produced, except for the personal use of the workman. The various arts may be said to be subsidiary to the better cultivation of the earth, for it is these which enable the cultivators to devote their exclusive attention to it.

All the *useful domestic animals* are held to be the subjects of exclusive appropriation, however widely they may wander from their masters. A man may assert his title to vast herds, which roam over boundless wastes, and which he may not even see for months in succession, as easily as to the cattle which are nightly driven to his home. He has no proper *possession* of them other than that which the law supplies by the title which it stamps upon them. And the obvious reason is that from their *nature and habits* he has such a *control* over them as enables him, if the law will lend him its aid, to *breed* them, in other words, to cultivate them, and furnish the annual increase for the supply of human wants, and at the same time to preserve the stock. In no other way could this be accomplished. Without the protection afforded by the safeguard of property the race of domestic animals would not have existed.

In the case of animals in *every respect wild* and yet *useful*, such as sea fishes, wild ducks, and most other species of game, we find different conditions. Here man has no control over the animals. They do not, in consequence of their nature and habits, regularly subject themselves to his power. He cannot determine, in any case, what the annual increase is. He cannot *separate* the superfluous increase from the breeding stock, and confine his drafts to the former, leaving the latter untouched. For the most part these animals are not *polygamous*, but *mate* with each other, and no part of their numbers are *superfluous* rather than another. All drafts made upon them are equally destructive; for all must be taken from breeding animals. No selections for slaughter can be made. In short, man can not, by the practice of art and industry, *breed* them. They can not be made the subjects of *husbandry*. And yet man must be permitted to take them for use, or be wholly deprived of any benefit from them. No award of a property interest in them to any man or set of men would have any effect in enabling the annual increase to be applied to satisfy human wants and at the same time to preserve the stock. The law could not give to individual men that control over them which their nature and habits deny; and the law never makes the attempt. The fish of the sea and most of the fowls of the air are, and must forever remain, in every sense wild. They are not, therefore, the subjects of property.

And here nature, as if conscious of the inability of man to furnish that protection to these wild races against destructive pursuit which the institution of property affords in the case of domestic animals, her-

self makes provision for the purpose. In limiting within narrow bounds his *control* over them, she correspondingly limits his power of destruction. She confers upon these races the means of eluding capture. And, besides this, in the case of wild animals most largely useful, she makes destruction practically impossible by furnishing a prodigious supply. The great families of useful fishes are practically inexhaustible. This is, however, much less so in some cases than in others. In respect of many species of fishes, game birds, and other animals, the human pursuit is so eager as to endanger the existence of the species; and in such instances, society, unable by the award of a property interest to arrest the destruction, resorts to the most effective devices which are in its power to secure that end. It confines and limits the destruction to certain seasons and places by positive enactments of which game laws are the type.

We now come to those animals which lie near the vague and indefinite boundary which separates the *wild* from the *tame*, to animals which exhibit some of the qualities of each class; and we shall instance those already made the subject of discussion when confining our inquiry to the settled doctrines of the municipal law. These instances were those of *bees*, *deer*, *pigeons*, *wild geese*, and *swans*. All these, it will be remembered, are regarded in that law as subjects of property so long as they possess the *animum revertendi*, evidenced by their usual habit of returning to a particular place. These animals differ widely from each other in their nature; but they have certain characteristics which are common to all. Each of them, habitually and voluntarily, so far subjects itself to the control of man as to enable him, by the practice of art and industry, to take the annual increase for the supply of human wants without diminishing the stock; in other words, to *breed them*, and to make them the subject of *husbandry*; and, in the case of each, unless a property interest were awarded by the law, that is to say, unless the law came to the aid of human infirmity, and declared them to be *susceptible of ownership*, notwithstanding the want of actual possession, they would cease to exist and be lost to the world.

The case of *bees* is an instructive illustration. They are by nature wild. They can not be tamed so as to be made obedient to man. They move freely through the air and gather their honey from flowers in all places. But they have an instinct which moves them to adopt a suitable place for a home, and man may avail himself of this to induce them to take up their abode upon his property, where he can protect them

from other enemies and take from them a part of their accumulated stores. He is thus also enabled to capture the new swarms which are produced, by following them as they take their flight. In this way the art and industry of man may increase the stock of bees and the useful food which they supply. The municipal laws of all nations therefore declare that bees thus dealt with are property. Any one who destroys them, even when away from the land of the owner, commits a wrong for which the laws will afford full redress; and the right of property remains even in respect to a swarm which takes its flight beyond the boundaries of the owner, so long as he can identify and pursue it. It would be manifestly impossible to protect that right any further. There is no change effected in the nature of the bees by this action of man. They are as wild as their fellows which have their homes in the forest. Man simply avails himself of their natural instinct to accept a suitable place for their home and storehouse.

A similar instinct is possessed by *pigeons* which leads them and their offspring to take up their abodes in places prepared for them by man. They may be first wonted to it by confinement, or attracted by feeding; but when they have adopted it, if protected against enemies and cherished with care, their number may be greatly multiplied, and by judicious drafts upon the increase a delicate food may be procured in considerable quantities. There is in the case of these animals a difficulty in securing to individual owners all the remedial rights which protect property arising out of the tendency of flocks to commingle, and the impossibility of identification. But, in spite of this, in the opinion of many jurists, they are to be deemed property. The obvious ground is the social benefit which may be secured by offering to this art and industry its natural reward, and thus encourage the practice of it. Without such encouragement society would lose the benefit it receives from this animal.

There is a like opportunity to take advantage of the instincts of wild animals, and thus gain over them a power which makes them subservient to the wants of man in the case of *wild geese and swans*. These also may be made wonted to a particular place, from which they will widely wander over waters belonging to different owners, or to the state, but to which they will habitually return, and where they will rear their young. They thus submit themselves voluntarily to the power of man, and afford him a control over them which enables him at once to preserve the stock and take the increase. On these grounds a right of

property in them is conceded to the owner of the spot which they make their home, which is not lost by the temporary departures therefrom. Any killing or capture of these animals by another, having notice of their habits, is a violation of property rights for which the law furnishes redress.

So also in the case of deer ordinarily kept in an inclosure, and fed, and from which selections are made for slaughter. The habit of returning is here only imperfectly established. The animals are apt to resume their wild nature; but nevertheless, the economic uses they subserve are sufficient to sustain a property interest in them, inasmuch as they are thus made, to borrow the language employed in relation to them by the English Court of Common Pleas, "as much a sort of husbandry as horses, cows, sheep, or any other cattle."¹

It is observable that these doctrines relating to property so familiar in the municipal jurisprudence of civilized nations, relating to the several descriptions of animals above mentioned, have not had their origin in special legislation, but in the unwritten law. They are the fruit of the unconscious action of society manifesting itself in the formation of usages which eventually compel the recognition of law. This means that they have their origin in natural law which is the basis of all unwritten jurisprudence. They are the dictates of universal morality, cultivated, ascertained, and formulated by judicial action through long periods of time. It is this which stamps them with that character of approved, long established and unchangeable truth which makes them binding upon an international forum as being the indubitable voice of natural and universal law.

The inquiry which has thus been prosecuted into the grounds and reasons upon which the institution of property stands fully substantiates, it is believed, the main proposition with which it began, namely, *that where any useful animals so far subject themselves to the control of particular men as to enable them exclusively to cultivate such animals and obtain the annual increase for the supply of human wants, and at the same time to preserve the stock, they have a property interest in them.* And this conclusion, deducible from the broad and general doctrines of the law of nature, is confirmed by the actual fact as exhibited in the usages and laws of all civilized states. Wherever a useful animal exhibits in its nature and habits this quality, it must be denominated and treated as the subject of property, and as well between nations as between

¹ Davies v. Powell, Willes, 46.

individual men. This is the real ground upon which the municipal law declares the several descriptions of wild animals, above particularly adverted to, to be property. This is what is intended by making the question of property depend upon the existence of the *animus revertendi*.

In the added light thrown by this inquiry into the foundations of the institution of property the case of the fur-seal can be no longer open to doubt, if it ever was. It is a typical instance. Polygamous in its nature, compelled to breed upon the land, and confined to that element for half the year, gentle and confiding in disposition, nearly defenceless against attack, it seems almost to implore the protection of man, and to offer to him as a reward that superfluity of increase which is not needed for the continuance of the race. Its own habits go very far to effect a separation of this superfluity, leaving little to be done by man to make it complete. The selections for slaughter are easily made without disturbance or injury to the herd. The return of the herd to the same spot to submit to renewed drafts is assured by the most imperious instincts and necessities of the animal's nature. During the entire period of all absences the *animus revertendi* is ever present. The conditions are, as observed by the eminent naturalist, Prof. Huxley, *ideal*.¹ All that is needed to make the full extent of the blessing to mankind available is the exercise on the one hand of care, self-denial, and industry on the part of man at the breeding places, and, on the other, exemption from the destructive pursuit at sea. The first requisite is supplied. A rich reward is offered for, and will certainly assure, the exercise of art and industry upon the land. All that is demanded from the law is that exemption from destructive pursuit on the sea which the award of a property interest will insure.

Nor should we omit to call attention to an aspect of the question presented by the extent of the possession and control of, and over, this race of animals bestowed upon the United States in virtue of their ownership of the lands to which it resorts. This ownership carries with it the *power to destroy* the race almost at a single stroke. It carries with it also, if interference by other nations is withheld, the power to forever preserve. The power to destroy is shared by other nations. The power to use, and at the same time to preserve, belongs to the United States alone. This power carries with it the highest obligation to use it for the purpose for which it was bestowed. It is in the highest and truest sense a trust for the benefit of mankind. The United States

¹ Case of the United States, Appendix, Vol. I, p. 412.

acknowledge the trust and have hitherto discharged it. Can anything be clearer as a moral, and under natural laws, a legal obligation than the duty of other nations to refrain from any action which will prevent or impede the performance of that trust? The only office which belongs to other nations is to see that this trust is duly performed. In this the whole world has a direct interest. However much interference by one nation in the affairs and conduct of another may be deprecated, it is not to be denied that exigencies may arise, as they have arisen, in which such interference may be defended.¹

¹ We have habitually referred to *art*, *industry*, and *self-denial* on the part of man successfully practiced for the purpose of increasing the annual product of the earth as being the main foundation upon which society awards a property interest. The exercise of these qualities is enjoined by natural law, and nature always assigns to an observance of her dictates its appropriate reward. That *art* and *industry* should be thus rewarded is obvious, but the merit of *self-denial* or *abstinence*, is not so immediately plain. It will be found, however, upon reflection, to possess the same measure of desert.

In the case of the seals, for instance, the immediate temptation is to turn the whole mass to present account. Had this been done, the herds would long since have been practically exterminated. Their *present* existence is the result of a policy of denial of present enjoyment in the hope of a larger and more permanent advantage. It is quite unnecessary to enlarge upon the prodigious importance to mankind of such a policy. Indeed, without it the race could not have emerged from barbarism. The fur-seals thus preserved are as truly the fruit of human industry and effort as any of the products of the artisan.

This merit of *abstinence* is the sole foundation upon which economists and moralists place the right to *capital*, and *interest* for its use. Capital is the simply the fruit of *abstinence*. The following citations are pertinent in this place:

From N. W. Senior, Political Economy, 6th ed., London, 1872, p. 58 *et seq.*

"But although human labour and the agency of nature, independently of that of man, are the primary productive powers, they require the concurrence of a third productive principle to give them complete efficiency. The most laborious population inhabiting the most fertile territory, if they devoted all their labour to the production of immediate results and consumed its produce as it arose, would soon find their utmost exertions insufficient to produce even the mere necessities of existence.

"To the third principle or instrument of production, without which the two others are inefficient, we shall give the name of *abstinence*, a term by which we express the conduct of a person who either abstains from the unproductive use of what he can command, or designedly prefers the production of remote to that of immediate results."

After defining capital as "an article of wealth, the result of human exertion employed in the production or distribution of wealth," he goes on to say: "It is evident that capital thus defined is not a simple productive instrument. It is in most cases the result of all the three productive instruments combined. Some natural agent must have afforded the material; some delay of enjoyment must in general have reserved it from unproductive use, and some labour must in general have been employed to prepare and preserve it. By the word *abstinence* we wish to express that agent, distinct from labour and the agency of nature, the concurrence of which is necessary to the existence of capital and which stands in the same relation to profit as labour does to wages. We are aware that we employ the word *abstinence* in a more exten-

It seems impossible to imagine any ground upon which this demand can be resisted, and even difficult to understand how a question could have been made rejecting it. If there were even the semblance of a *moral* reason upon which opposition could be rested, there might be room for hesitation and debate; if anything in the nature of a *right* to

sive sense than is warranted by common usage. Attention is usually drawn to abstinence only when it is not united with labour. It is recognized instantly in the conduct of a man who allows a tree or a domestic animal to attain its full growth, but it is less obvious when he plants the sapling or sows the seed corn. The observer's attention is occupied by the labour, and he omits to consider the additional sacrifice made when labour is undergone for a distant object. This additional sacrifice we comprehend under the term abstinence. * * * of all the means by which man can be raised in the scale of being, abstinence, as it is perhaps the most effective, is the slowest in increase, and the latest generally diffused. Among nations those that are the least civilized, and among the different classes of the same nation those which are the worst educated, are almost the most improvident and consequently the least abstinent."

(At page 69): "The savage seldom employs, in making his bows or his dart, time which he could devote to the obtaining of any object of immediate enjoyment. He exercises, therefore, labour and providence, but not abstinence. The first step in improvement, the rise from the hunting and fishing to the pastoral state, implies an exercise of abstinence. Much more abstinence, or, in other words, greater use of capital, is required for the transition from the pastoral to the agricultural state; and an amount not only still greater, but constantly increasing, is necessary to the prosperity of manufactures and commerce."

From "Essai sur la Répartition des Richesses," par Paul Leroy-Beaulieu, 2d ed. Paris, 1883:

"The first cause of interest is the service rendered to the borrower, the increase of productivity given to his labor, industry, commerce. The second cause of interest is the pains taken by the lender, the sacrifice necessary for abstinence in depriving himself of immediate consumption for a delayed profit."

From "American Political Economy." Francis Bowen, p. 204, ch. xi:

"Capital being amassed as we have seen by frugality or abstinence, profits are the reward of abstinence just as wages are the remuneration of labor, and rent is the compensation for the use of land."

From "Some leading Principles of Political Economy Newly Expounded." By J. E. Cairnes, New York, 1874, p. 80:

"The term abstinence is the name given to the sacrifice involved in the advance of capital. As to the nature of the sacrifice it is mainly of a negative kind, consisting chiefly in deprivation and postponement of enjoyment implied in the fact of parting with our wealth, so far at least as concerns our present power of commanding it."

From "Principles of Economics." Alfred Marshall, professor in the University of Cambridge, London, 1870. Vol. 1, bk. vii, ch. vii, sec. 2, p. 612:

"A man who, working on his own account, makes a thing for himself has the use of it as the reward for his labour. The amount of his work may be determined in a great measure by custom or habit, but in so far as his action is deliberate he will cease his work when the gains of further work do not seem to him worth the trouble of getting them. But the awakening of a new desire will induce him to work on further. He may take out the fruits of this extra work in immedi-

capture seals at sea could be pretended, it would be necessary to pause and deliberate. It may indeed be said that there is no *power* in the United States to prevent sealing upon the high seas; but this is a beginning of the question. If they have a property interest in the seals, the power to protect it can not be wanting. But let this question go

ate and passing enjoyment, or in lasting but distant benefits, * * * or in implements which will aid him in his work, * * * or, lastly, in things which he can let out on hire or so invest as to derive an income from them. Man's nature, however, being impatient of delay, he will not, *as a rule*, select any of the three latter methods unless the total benefit which he expects in the long run seems, after allowing for all risks, to show a surplus over its benefits to be derived by taking out the fruits of his labor in immediate enjoyment. That surplus, whether it take the form of interest on capital, or extra pleasure derived from the direct usance of permanent forms of wealth, is the reward of his postponing or waiting for the fruits of his labour."

From the *Ethics of Usury and Interest*. By W. Blissard, M. A., London, 1892, p. 26 *et seq.*:

"On the hypothesis that all have equal opportunities of social progress, the social destroyers of its wealth deserve condemnation, while those who have served the cause of progress by saving from personal consumption a part of the earth's produce and devoting it to the improvement of national mechanism have a claim to a reward proportioned to their service and to the efforts which they have made in rendering it. These are the conditions of advance in civilization in the arts, and sciences, in literature, and religion. For the command over nature differentiates the civilized man from the savage. * * * It appears, hence, how accurate is the common phrase which calls thrift 'saving.' Economists favor such other words as 'abstinence,' deferred 'enjoyment,' and the like; but to 'save' expresses the primary idea that something has been saved from the destruction to which mere animal instinct would devote it. In such salvage lies the progress of the human species from savagery to godhead. By how much has been thus saved has the salvation, material, mental, and moral, of the race been achieved."

From "Political Economy." By Francis A. Walker. New York, 1883. Page 67, sec. 78:

"*The Law of Capital.*—It is not necessary to trace further the increase of capital. At every step of its progress capital follows one law; it arises solely out of saving; it stands always for self-denial and abstinence."

(Page 232): "Capital is, as we have seen, the result of saving. Interest, then, is the reward of abstinence. A part, a large part, of all produced wealth must be at once consumed to meet the conditions of human existence; but the remaining portion may be consumed or may be accumulated, according to the will of the owner. The strength of the motive to accumulation will vary with the reward of abstinence. If that be high the disposition to save will be strengthened, and capital will be rapidly accumulated; if that be low, that disposition will be relatively weak, and capital will increase slowly, if indeed the body of existing capital be not dissipated at the demands of appetite."

From "Chapters on Practical Political Economy." Prof. Bonamy Price. 2d ed. London, 1882. Pages 127, 128:

Speaking of *Profit* he says: "What is the nature, the principle of this gain? It is a reward for two things, for the creation and employment of capital. Economists have rightly explained the need and justification for such a reward for the creation of capital, that it is a compensation for abstinence. The owner of the wealth

for the present; it will be elsewhere discussed. Let it be conceded, for the sake of argument, that the United States have no power to protect and punish, will it be asserted before this Tribunal, bound to declare and administer the law of nature and nations—a system of *morality*—that this constitutes a *right?* What is it precisely which

might have devoted it to his own enjoyment; he preferred to save it or turn it into an instrument for creating fresh wealth. It was his own voluntary act, he gave up some luxury, he finds atonement in improved income from increased wealth. His aim was profit, but profit, though it enriched him, was no selfish course; luxurious expenditure would have been the real selfishness. By going in for profit he benefits society. His savings are an advantage to others as well as to himself. * * * Profit is the last thing which should be grudged, for profit is the creator of capital, and capital in the life blood of civilization and commercial progress."

From "Manual of Political Economy." Henry Fawcett. London, 1877. Bk. II, ch. v, p. 157:

"As capital is the result of saving, the owner of capital exercises forbearance when he saves his wealth instead of spending it. Profits therefore are the reward of abstinence in the same manner that wages are the reward of physical exertion."

From "The Science of Wealth." Amasa Walker. Boston, 1877. Ch. vi, p. 288:

"Interest has its justification in the right of property. If a man can claim the ownership of any kind of wealth, he is the owner of all it fairly produces * * * whoever by labour produces wealth and by self-denial preserves it should be allowed all the benefit that wealth can render in future production."

From "Introduction to Political Economy." A. L. Perry. New York, 1877. P. 115.

"The origin of all capital is in abstinence, and the reward of this abstinence is profit."

From "A System of Political Economy." J. L. Shadwell. London, 1877. P. 159.

"They (capitalists) desire to obtain it (profit) because the saving of capital implies the exercise of abstinence, as the capitalists might have exchanged it for other things for their own immediate consumption; but if they forego their enjoyment in order to produce commodities they require some compensation for the sacrifice to which they submit."

From John Stuart Mill. "Principles of Political Economy." Boston, 1848. Vol. II, p. 484:

"As the wages of the laborer are the remuneration of labor, so the profits of the capitalist are properly the remuneration of abstinence. They are what he gains by forbearing to consume his capital for his own uses and allowing it to be consumed by productive laborers for their uses; for this forbearance he requires a recompense."

And again, at page 553: "Capital * * * being the result of abstinence, the produce of its value must be sufficient to remunerate not only all the labor required but the abstinence of all the persons by whom the remuneration of the different classes of laborers was advanced. The return for abstinence is profit."

From "Manuel d'Economie Politique." Par M. H. Baudrillard. 4th ed. Paris, 1878. P. 382:

"The first element of interest is the privation to which the lender subjects himself, who surrenders his capital for the benefit of another."

(*Id.*, p. 52): "Based upon right, ownership is not less justified by the strongest reasons derived from social utility. It is useful for the laborer who has fertilized

would thus be set up as a right? It is simply and without qualification a right to *destroy* one of the gifts of nature to man. It would be saying, not to the United States alone, but to the whole world, "You shall no longer have this blessing which was originally bestowed upon you—this opportunity which nature affords to secure the preservation of the source of a blessing and make it permanently available shall not be improved; and if you ask us for a reason we give you none, except that we so choose, and can, for a few years at least, make a profit to ourselves by carrying on the work of destruction; the sea is free."

Ahrens¹ states: The definitions of the right of property given by positive laws generally concede to the owner the power to dispose of his object in an almost absolute manner, to use and abuse it, and even through caprice to destroy it;² but this arbitrary power is not in keeping with natural law, and positive legislation, obedient to the voice of common sense and reason in the interest of society, has been obliged itself to establish numerous restrictions, which, examined from a philosophic view of law, are the result of rational principles to which the right of property and its exercise are subjected.

The principles which govern socially the right of property relate to substance and to form.

I. As to substance, the following rules may be established:

1. *Property exists for a rational purpose and for a rational use*; it is destined to satisfy the various needs of human life; consequently, *all arbitrary abuse, all arbitrary destruction, are contrary to right (droit)* and should be prohibited by law (*loi*). But to avoid giving a false extension to this principle, it is important to recall to mind that, according to personal rights, that which is committed within the sphere of

the soil to retain the soil itself as well as the surface. Otherwise he will use the soil as a possessor who is in haste to enjoy it. Where a thought of the future is wanting there will be no real improvement, no numerous and well-supported population, no civilization with deep roots either moral or material."

* * * "All these advantages can be the outgrowth of nothing but permanent ownership. For the same reason it is well for ownership to be individual and not collective; of this we find proof in the religious communities of the middle ages, and in our own time in the very imperfect condition of property held in common. Collective ownership is attended with this drawback, viz., that it does not sufficiently stimulate the activity of the owner."

¹ Ahrens: Course of Natural Law, Leipzig, 1876, vol. 2, book I, div. 1, sec 64.

² Roman law gave the owner the *jus utendi et abutendi*; after the Austrian code (11, 2, sec. 362), he has the power to destroy arbitrarily that which belongs to him. The Code Napoléon which defines property as "the right to enjoy and to dispose of things in the most absolute manner, provided no use be made of them forbidden by the laws or by the regulations," interposed social interest by this restriction.

private life and of that of the family does not come under the application of public law. It is necessary, therefore, that the abuse be public in order that the law may reach it. It belongs to the legislations regulating the various kinds of agricultural, industrial, and commercial property, as well as to penal legislation, to determine the abuses which it is important to protect; and, in reality legislations as well as police laws, have always specified a certain number of cases of abuses.¹ Besides, all abusive usage is hurtful to society, because it is for the public interest that the object should give the owner the advantages or the services it admits cf.²

It is assumed throughout the Report of the British Commissioners that pelagic sealing is not necessarily destructive, and that, under regulation, the prosecution of it need not involve the extermination of the herds. This assumption and the evidence bearing upon it will be elsewhere particularly treated in what we may have to say upon the subject of regulations. It will there be shown that it is not only destructive in its *tendency*, but that, if permitted, it will complete the work of practical extermination in a very short period of time. But so far as it is asserted that a restricted and regulated pelagic sealing is consistent with the moral laws of nature and should be allowed, the argument has a bearing upon the claim of the United States of a property interest, and should be briefly considered here. Let it be clearly understood, then, just what pelagic sealing is, *however restricted or regulated*. And we shall now describe it by those features of it which are not disputed or disputable.

We pass by the shocking cruelty and inhumanity, with its sicken-ing details of bleating and crying offspring falling upon the decks from the bellies of mothers, as they are ripped open, and of white milk flow-ing in streams mingled with blood. These enormities, which, if at tempted within the territory of a civilized State, would speedily be

¹ On the occasion of the debate of Art. 544, which defined property, Napoleon expressed energetically the necessity of suppressing abuses. "The abuse of property," said he, "should be suppressed every time it becomes hurtful to society. Thus, it is not allowed to cut down unripe grain, to pull up famous grapevines. I would not suffer that an individual should smite with sterility 20 leagues of ground in a grain-bearing department, in order to make for himself a park thereof. The right of abuse does not extend so far as to deprive a people of its sustenance."

² Roman law says in this sense, sec. 2, I, De patr. pot. 1, 8: "Expedit enim reipublicæ ne sua requis male utatur." Leibnitz further expands this principle of the Roman law by saying (De notionibus juris, etc.): "Cum nos nostraque Deo debeamus, ut reipublicæ, ita multo magis universi interest ne quis re sua male utatur."

made the subjects of criminal punishment, are not relevant, or are less relevant, in the discussion of the mere question of property.

It is not contended that in pelagic sealing (1) there can be any *selective killing*; or (2), that a great excess of females over males is not slain; or (3), that a great number of victims perish from wounds, without being recovered; or (4), that in most cases the females killed are not either heavy with young, or nursing mothers; or (5), that each and every of these incidents can not be avoided by the *selective killing* which is practiced on the breeding islands. We do not stop to discuss the idle questions whether this form of slaughter will actually *exterminate* the herds, or *how long* it may take to complete the destruction. It is enough for the present purpose to say that it is *simple destruction*. It is destructive, because it does not make, or aim to make, its draft upon the *increase*, which consists of the superfluous *males*, but, by taking females, strikes directly at the stock, and strikes at the stock in the most damaging way, by destroying unborn and newly-born pups, together with their mothers. Whoever undertakes to set up a *moral right* to prosecute this mode of slaughter on the ground that it will not necessarily result in complete destruction, must maintain that while it may be against the law of nature to work *complete destruction*, it is yet lawful to *destroy*! But what the law of nature forbids is any destruction at all, unless it is necessary. To destroy a *little*, and to destroy *much*, are the same crimes.

If there were even something less than a *right*, or rather some *low degree of right*—for nothing other than *rights* can be taken notice of here—some mere *convenience*, it might be worthy of consideration; but there is none. It can not even be said that pelagic sealing may furnish to the world a seal-skin at a lower price. Nothing can be plainer than that it is the most expensive mode of capturing seals. It requires the expenditure of a vast sum in vessels, boats, appliances, and human labor, which is all unnecessary, because the entire increase can be reaped without them. This unnecessary expense is a charge upon the consumer and must be reimbursed in the price he pays. In no way can pelagic sealing result in a cheapening of the product, except upon the assumption that the stock of seals is inexhaustible, and that the amount of the pelagic catch is an addition to the total catch, which might be made on the land if capture were restricted to the land; and this assumption is admitted on all hands, and even by the Commissioners of Great Britain, to be untrue.

If there were any *evil, or inconvenience* even, to be apprehended from a confinement of the capture of the seals to the breeding places, it might serve to arrest attention; but there is none. Much is said, indeed, in the Report of the Commissioners of Great Britain concerning a supposed *monopoly* which would thus be secured, as is pretended, to the lessees of the breeding islands which would enable them to exact an excessive price for skins; but this notion is wholly erroneous.

The annual drafts made at the island from the increase of the herds are not made for, and can not be monopolized, or appropriated, by the United States. They are made for mankind everywhere, and find their way to those who want them and are able to procure them wherever upon the face of the world they may dwell. To the owners of these islands, whoever they may be, they are intrinsically useless, except the insignificant number which may be useful for food or clothing. Their only value to them is as articles of commerce, as means by which needed commodities may be obtained from others who may have a superior desire for the benefits afforded by these animals. They are furnished through the instrumentality of commerce to those who want them upon the same terms upon which they are furnished to the citizens of the United States. The human race thus perfectly secures to itself the benefit which nature intended the animal should supply. Nor can the United States exact from the world whatever price it pleases for the product of the animal. It can not exact a penny more than the world is willing to give; and this, as in the case of every other commodity, is its just value. The cost of production, and the operation of supply and demand will determine the price of this, as of every other, commodity. Any other mode of capturing the animal for the market is obviously and confessedly more expensive, and must necessarily, other things being equal, involve an increased price, and simply impose an additional tax upon the consumer.

There are, indeed, instances of commodities in which the possible supply greatly exceeds the wants of the world, and where, if the whole product were thrown upon the market, it would become almost worthless, producing a sum much less than would have been gained had a comparatively small part only been offered. In such cases, if the sources of supply are a monopoly under a single direction, a large profit may sometimes be secured by an *artificial* limitation of the supply. It is said that the Dutch once found an advantage like this from a voluntary destruction of a large part of the product of the Spice Islands. But

the case of the lessees of the Pribilof Islands is the opposite of this. They never can be even tempted to limit the supply. Nature herself has limited it all too rigidly. A large profit is derivable from every seal which prudence will permit to be taken. The temptation is to take too largely. *Abstinence*, and not *waste*, is the true policy. Indeed, the Report of the Commissioners of Great Britain makes it a principal charge against the management of the lessees that they make drafts upon the herds too large, instead of too small. Now, where the entire product of a source of supply is thrown upon the market, the price will be governed by the demand. The world will pay a certain amount for it and no more; and the circumstance that there is a monopoly of the commodity is unimportant.¹

Divers charges are made in the Report of the British Commissioners of neglect and mismanagement by the lessees of the islands in the conduct of the business of caring for the seals and making the annual drafts from the herds. These topics have but a small measure of relevancy here. They are, with some unimportant exceptions, wholly denied, and will be elsewhere in this argument shown to be erroneous. But if it be intended by these charges to show that the prime object of the law of nature to make the increase of animals available to man and at the same time to preserve the stock, is not most certainly gained in the case of an animal like the seal by declaring a property interest in those who have the power to secure it, some observations upon them are pertinent here. In this aspect these charges proceed upon the assumption that a scheme of protection by care, industry, and selective killing is necessary. If this be so, when and how can it be adopted and maintained except through the recognition of a property interest? It can not be questioned that this care and prudence are best secured by bringing into play the motive of self-interest. How can this be done except through the recognition of a property interest? What other device has human society found in any stage of civilization in any land or in any age? What new substitute has the wisdom of these Commissioners to suggest? Is it necessary to tell the breeder of sheep that he must preserve his flocks and make his main drafts for the market upon his superfluous males? It may be admitted that the United States may sometimes fall into errors and neglects against their own interest. They assert for themselves no infallibility; but they do insist that there is no error and no neglect which they could as owners and

¹ Mill. Pol. Econ., Book II, Chap. 5, § 2.

cultivators of these herds commit which would be in violation of the teachings of science and the laws of nature and operate to obstruct the enjoyment by mankind of the full product of the animal, which would not at the same time, and in larger measure, result in loss and injury to themselves. They have not and can not have, upon the grounds taken in this argument, any interest which, in the slightest degree, conflicts with that of the world at large. They would be grateful to have any errors in the management by them pointed out, to the end that they might apply a remedy. And what is true in respect of the United States is true also of their lessees. The latter can have no interest not in harmony with the interests of all. This observation is subject to a qualification limited to lessees whose lease is about to expire. An outgoing tenant is, indeed, sometimes under a temptation to commit waste. Against this possible mischief the United States have endeavored to guard by the policy of making long leases. It is believed to have been entirely effectual.

But all suggestions of the insufficiency of the guaranties furnished by a recognition of a property interest to carry out the dictates of science and natural law in respect to animals having a nature and habits such as the fur-seal exhibits are absolutely silenced by a reference to the conclusive teachings of actual and long experience. Russia enjoyed during the whole period of her occupation of the islands the full benefit practically of a property interest. She maintained an exclusive dominion of the herds upon the land, and no attempt to interfere with them by pelagic sealing was made. By her care, industry, and self-denial, tempted and rewarded by the profits of the industry, the normal numbers of the herds were maintained, and at the same time large annual drafts were made. And when, as happened more than once from exceptional causes which could not be prevented, the numbers were greatly reduced, a more rigid and self-enforced abstinence brought about a full restoration. At the beginning of the occupation of the United States, and before their authority and oversight were fully established, an irregular and excessive slaughter again greatly reduced the herds, and this damage was again fully repaired by an exercise of similar abstinence. The numbers were, perhaps, more than restored, and it became possible to make larger drafts than had ever been taken under the Russian management without any discoverable diminution of the stock; and there is no reason to suppose that such drafts might not have been continued indefinitely had not the destruc-

tive warfare by a constantly increasing fleet of Canadian sealers made it impossible.

The experience at the Commander Islands has been the same. The exercise of art, industry, and self-denial produced by the operation of the same motive has been followed by the reward of still abundant herds.

Nor is there any obstacle in the way of a recognition of a property interest growing out of any difficulty in *identifying* the Alaskan herd upon the high seas. Suggestions of a possible commingling with the herds belonging to the Russian islands on the western side of the Pacific and Bering Sea are contained in the Report of the British Commissioners; but these are coupled with the admission that this commingling, if it exist at all, is confined to a few individuals. They are supported by no evidence. The Russian herds are separated by a broad tract, hundreds of miles in width, and it seems entirely certain that all seals found on the eastern side of the Pacific and Bering Sea are members of the Alaskan herds.

It may be urged, as an objection to the recognition of a property interest in the United States, that it would be inconsistent with the continued pursuit of seals by the Indians on the Northwest coast for the purposes of food and clothing. This consideration deserves respectful attention. It is the only form of capturing seals upon the high seas which can assert for itself a moral foundation under the law of nature. Attention has more than once been called in this argument to the different degrees of the extension of the institution of property in barbaric and in civilized life. The *necessities of society*, everywhere and at all times the measure of the extension of the institution, do not in barbaric life require a recognition of property in but comparatively few things. With a scanty and sparse population, little is required by way of cultivating the earth or its animals; and both can be, and generally are, allowed to remain in a wild condition, open to indiscriminate use. A full supply of the wants of such society in respect to most animals can be had by indiscriminate killing, without in the least degree endangering the stock. That peril is one which civilization brings along with it; and, as we have seen, the safeguard comes also in the shape of the extension of the institution of property. Nothing better illustrates this than the case of the fur-seals. Before the occupation of its haunts by civilized nations, the only draft made by man upon the prodigious herds was limited to a number sufficient to supply the wants

of a few hundred people. But, after such occupation, through the instrumentality of commerce, the whole world made its attack. This demand, of course, could not be supplied consistently with the preservation of the species without an immediate change from barbaric to civilized methods; that is to say, from indiscriminate capture, which threatened the stock, to a selective capture confined to the increase.

But this condition creates no difficulty. The demand thus made is comparatively insignificant, and does not threaten any danger. The United States have no desire or intention to cut off from these rude inhabitants any of their means of subsistence. Their history and circumstances have made them familiar with the survivals of barbaric life in the midst of civilized conditions. They have steadily pursued the policy of securing to such tribes, as long as possible, the benefit of the sources of subsistence upon which they had been accustomed to rely. They suppose it may be safely left to them to insure to these people such an enjoyment of the seal herds as they originally had, or the property interest which they justly claim may be recognized *subject* to a reasonable use by the Indians upon the coast, such as they have heretofore enjoyed. But, surely, this claim of the Indians can not be made a cover for the prosecution of a destructive warfare upon a valuable race of animals. The civilized man can not assert for himself the license of the barbarian. If that can not be confined to the barbarian, it must be given up altogether. The exacting demands of civilization must be met by the methods of civilization.

It may be asked whether the claim made by the United States goes to the extent of asserting a legal right of property in *any individual seal* which may at any time be found in the seas between the Pribilof Islands at the north and the coast of California at the south? And whether they would insist that in the case of any seal captured anywhere within those limits by any person other than a native Indian, and for purposes of scientific curiosity, or to satisfy hunger, a trespass had been committed upon the property of the United States, and an action might be maintained in their name in a municipal tribunal to recover damages, or for the recovery of the skin of the animal, if it should anywhere be found. The United States do not insist upon this extreme point, because it is not necessary to insist upon it. All that is needed for their purposes is that their *property interest* in the *herds* should be so far recognized as to justify a prohibition by them of any *destructive pursuit* of the animal calculated to injure the industry prosecuted by them

on the islands upon the basis of their property interest. The conception of a *property interest in the herd*, as distinct from a particular title to every seal composing the herd, is clear and intelligible; and a recognition of this would enable the United States to adopt any reasonable measures for the protection of such interest.

It is, of course, necessary to an actual appropriation of property that the *intent* to appropriate should be evidenced by some act. This requirement has been fully satisfied by the United States. Every act by which that intent could be manifested has been performed. They have, in every practicable form, exercised art, industry, and self-denial in protecting the seals upon their soil and gathering the increase for the purposes of commerce with the world, and they have in all practicable forms, by their laws, by executive proclamation, and the exercise of force upon the high seas, endeavored to prohibit all invasions of their property interest.

It is believed that of the three conditions hereinbefore mentioned as requisite to assert a right of property in the seal herd, a compliance with the only one which can be the subject of debate, namely, *susceptibility of appropriation*, has now been fully established; and we need no longer delay the final conclusion that the United States, and they alone, having such a control over the Alaskan seal herd as enables them by the practice of art, industry, and self-denial to make the entire product fully available for the wants of mankind without diminishing the stock, and having asserted this control and exercised the requisite art, industry, and self-denial in order to accomplish that great end, have, under principles everywhere recognized, both in the law of nature and in the concurring municipal jurisprudence of all civilized States, a property interest in that herd.

It is a satisfaction to the undersigned, and, as they conceive, no unimportant feature of their argument, that in the foregoing discussion no selfish pretension had been asserted by the United States, nor one in the least degree hostile to Great Britain. The Government of the United States neither asserts any principle, nor asks for any adjudication which is not for the common interest of the world as much as for itself. The fundamental truth that this useful race of animals is the property of mankind is not changed by the circumstance that the custody and defense of it have fallen to the lot of the United States. Their appearance as a litigant in this forum may be said, in a very just sense, to be fortuitous. The *real* controversy is between

those, wherever they may dwell, who *want* the seals, and the Canadian *pelagic sealers*, who are threatening the extermination of them. If that danger can be averted by the method which alone can be effective, the recognition of a property interest in the United States, the benefit will accrue equally to all. The seal-skins will be furnished to the citizens of Great Britain and of all other nations upon the same terms upon which they are obtainable by citizens of the United States. The large interests of Great Britain in the manufacture of the skins will be relieved from the peril which threatens them. None will be losers, save those who are engaged in the cruel pursuit, forbidden by the law of nature, and by every sentiment of humanity, of destroying this useful race of animals. And the loss even to them would be comparatively small, for the pursuit under present conditions can not continue for more than a very short period.

The United States may, indeed, derive a profit peculiar to themselves as the cultivators of the herd; but this is the just reward of their industry, abstinence, and care, and no more than every other nation in respect to products peculiar to itself. Without these voluntary efforts the herds would be speedily swept away. Their present existence and numbers are absolutely due to these efforts. It is by such means alone that nature makes her gifts fully available to their desired extent to all nations. The advantages which, in the partition among nations, have fallen under the power of the United States, it is their duty, and their duty to mankind, to improve. The rights and interests of mankind are properly asserted in this international forum; but they can be asserted only through the United States. If the world has the right, as it certainly has, to call upon that nation to make the benefits which nature has assigned to its custody available, it must clothe it with the powers which are requisite to that end.

If the United States have, as has now been shown, a property interest in the Alaskan herd, the undersigned conceives it to be a certain consequence that they have the right to protect it anywhere upon the high seas against injury or invasion, by such reasonable exercise of force as may be necessary. This proposition will be fully discussed in connection with the subject next to be considered, of the rights acquired by the United States in the sealing industries carried on by them upon the Pribilof Islands.

If the foregoing argument is successful in showing that the United States have a property in the Alaskan seal herd their right to protect

that property anywhere upon the seas where it and they have the right *to go* is a proposition scarcely open to question. The rights of a nation of all descriptions upon the high seas are uniformly protected by the direct exercise of the powers of the nation. There is no other way of protecting them. There is no general sovereign or tribunal over nations before which an alleged trespassing nation can be summoned for judgment. But the nature and extent of this self-protection will be fully discussed under the next head of this argument, devoted to that aspect of the property question particularly presented by the sealing industry maintained by the United States upon the Pribilof Islands. If they have the right to protect that *industry* against invasion by acts committed upon the high seas, they have, *a fortiori*, the same right to protect their *property* on that element.

JAMES C. CARTER.

APPENDIX TO PART THIRD, DIVISION I (MR. CARTER'S ARGUMENT).

AUTHORITIES UPON THE SUBJECT OF PROPERTY IN ANIMALS FERÆ NATURÆ.

[From *Studies in Roman Law*, by Lord Mackenzie (6th edition), Edinburgh and London, 1886, chapter III, page 174.]

Wild animals.—All wild animals, whether beasts, birds or fish, fall under this rule, so that even when they are caught by a trespasser on another man's land they belong to the taker, unless they are expressly declared to be forfeited by some penal law, (Inst., 2, 1, 12; Gaius, 2, 66–69; Dig., 41, 1, 3, pr. 55). Deer in a forest, rabbits in a warren, fish in a pond, or other wild animals in the keeping or possession of the first holder can not be appropriated by another unless they regain their liberty, in which case they are free to be again acquired by occupancy. Tame or domesticated creatures, such as horses, sheep, poultry, and the like, remain the property of their owners, though strayed or not confined. The same rule prevails in regard to such wild animals already appropriated as are in the habit of returning to their owners, such as pigeons, hawks in pursuit of game, or bees swarming while pursued by their owners (Inst., 2, 1, 14, 15).

[From *Gaius's Elements of Roman Law*, translated by Edward Poste, (2d ed.), Oxford. 1875.]

SEC. 68. In those wild animals, however, which are habituated to go away and return, as pigeons, and bees, and deer, which habitually visit the forests and return, the rule has been handed down that only the cessation of the instinct of returning is the termination of ownership, and then the property in them is acquired by the next occupant; the instinct of returning is held to be lost when the habit of returning is discontinued.

[From *Von Savigny on Possession in the Civil Law*, compiled by Kelleher.]

With respect to the possession of animals these rules are to be applied thus:

First. Tame animals are possessed like all other movables, *i. e.*, the possession of them ceases when they can not be found. Second. Wild animals are only possessed so long as some special disposition (*custodia*) exists which enables us actually to get them into our power. It is not every *custodia*, therefore, which is sufficient; whoever, for instance, keeps wild animals in a park, or fish in a lake, has undoubtedly done something to secure them, but it does not depend on his mere will, but on a variety of accidents whether he can actually catch them when he wishes, consequently, possession is not here retained; quite otherwise with fish kept in a stew, or animals in a yard, because then they may be caught at any moment (lib. 3, secs. 14, 15, *de poss.*). Third. Wild beasts,

tamed artificially, are likened to domesticated animals so long as they retain the habit of returning to the spot where their possessor keeps them (*donec animum, i. e., consuetudinem, revertendi habent*).

[From Puffendorf, Law of Nature and Nations, lib. III, cap. 1, sec. 3.]

Although a loss seems to refer properly to property, yet by us it will be generally accepted as embracing all injury that relates to the body, fame and modesty of man. So it signifies every injury, corruption, diminution or removal of that which is ours, or interception of that, which in perfect justice we ought to have; whether given by nature or conceded by an antecedent human act or law; or, finally, the omission or denial of a claim which another may have upon us by actual obligation. To this tends the 13th Declamation of Quintilian, where he plainly shows that one had inflicted a loss who poisoned the flowers of his own garden whereby his neighbor's bees perished. Yet the convincing reason consists in this: Since all agree that bees are a wandering kind of animate life, and because they can in no way be accustomed to take their food from a given place; therefore, whenever there is a right of taking them, there also, it is understood, is laid a general injunction to be observed by all neighbors, to permit bees to wander everywhere without hindrance from anyone.

[From Bracton, lib. II, cap. 1.]

The dominion over things by natural right or by the right of nations is acquired in various ways. In the first place, through the first taking of those things which belong to no person, and which now belong to the King by civil right, and are not common as of olden time, such, for instance, as wild beasts, birds, and fish, and all animals which are born on the earth, or in the sea, or in the sky, or in the air; wherever they may be captured and wherever they shall have been captured, they begin to be mine because they are coerced under my keeping, and by the same reason, if they escape from my keeping, and recover their natural liberty they cease to be mine, and again belong to the first taker. But they recover their natural liberty, then, when they have either escaped from my sight in the free air, and are no longer in my keeping, or when they are within my sight under such circumstances, that it is impossible for me to overtake them.

Occupation also comprises fishing, hunting, and capturing; pursuit alone does not make a thing mine, for although I have wounded a wild beast so that it may be captured, nevertheless it is not mine unless I capture it. On the contrary it will belong to him who first takes it, for many things usually happen to prevent the capturing it. Likewise, if a wild boar falls into a net which I have spread for hunting, and I have carried it off, having with much exertion extracted it from the net, it will be mine, if it shall have come into my power, unless custom or privilege rules to the contrary. Occupation also includes shutting up, as in the case of bees, which are wild by nature, for if they should have settled on my tree they would not be any the more mine, until I have shut them up in a hive, than birds which have made a nest in my tree, and therefore if another person shall shut them up, he will have the dominion over them. A swarm, also, which has flown away out of my hive, is so long understood to be mine as long as it is in my sight, and the overtaking of it is not impossible, otherwise they belong to the first taker; but if a person shall capture them, he does not make them his own if he shall know that they are another's, but he commits a theft.

unless he has the intention to restore them. And these things are true, unless sometimes from custom in some parts the practice is otherwise.

What has been said above applies to animals which have remained at all times wild; and if wild animals have been tamed, and they by habit go out and return, fly away, and fly back, such as deer, swans, sea-fowls, and doves, and such like, another rule has been approved, that they are so long considered as ours as long as they have the disposition to return; for if they have no disposition to return they cease to be ours. But they seem to cease to have the disposition to return when they have abandoned the habit of returning; and the same is said of fowls and geese which have become wild after being tamed. But a third rule has been approved in the case of domestic animals, that although tame geese and fowls have escaped out of my sight, nevertheless, in whatever place they may be, they are understood to be mine, and he commits a theft who retains them with the intention of making gain with them. This kind of occupation also takes place in the case of those things which are captured from the enemy, as, for instance, if free men have been reduced into slavery and shall escape from our power they recover their former state. Likewise the same species of occupation has a place in the case of those things which are common, as in the case of the sea and the seashore, in the case of stones and gems and other things found on the seashore. The same rule applies to islands which spring up in the sea and to things left derelict, unless there is a custom to the contrary in favor of the public treasury.

[From Bowyer, Modern Civil Law, page 72.]

Wild animals, therefore, and birds, and fish, and all animals that are produced in the sea, the heavens, and the earth, become the property, by natural law, of whoever takes possession of them. The reason of this is, that whatever is the property of no man becomes, by natural reason, the property of whoever occupies it.

It is the same whether the animals or birds be caught on the premises of the catcher or on those of another. But if any one enters the land of another to sport or hunt, he may be warned off by the owner of the land. When you have caught any of these animals it remains yours so long as it is under the restraint of your custody. But as soon as it has escaped from your keeping and has restored itself to natural liberty, it ceases to be yours, and again becomes the property of whoever occupies it. The animal is understood to recover its natural liberty when it has vanished from your sight, or is before your eyes under such circumstances that pursuit would be difficult.

Here we find the celebrated maxim of Gajus: *Quod nullius est, id ratione naturali occupanti conceditur.* It is founded on the following doctrine: Granting the institution of the rights of property among mankind, those things are each man's property which no other man has a right to take from him. Now, no one has a right to that which is *res nullius*; consequently, whoever possesses *rem nullius* possesses that which no one has a right to take from him. It is therefore his property.

But this general right of acquiring things by occupancy is subject to an important qualification. Grotius justly argues that it is not an absolute right, for though it is indeed founded on natural law, it is matter of permissive law, and not one which requires that full liberty should be left to men to avail themselves of it, since such liberty is unnecessary in many cases for the welfare of mankind, and may even, as Blackstone observes, be prejudicial to the peace of society if it be not

limited by positive law. Barbeyrac also argues that where a country is taken possession of by a body of men, it becomes the property of that body or of the person who represents them, and that therefore the right of the individual members to take possession of portions of it or any of the things therein contained, may be restricted or taken away, according as the welfare of the community may demand. These principles are applicable to the whole jurisprudence of acquisition by occupancy.

The acquisition of things tangible must be made *corpore et animo*—that is to say, by an outward act signifying an intention to possess. The necessity of an outward act to commence holding a thing in dominion is founded on the principle that a will or intention can not have legal effect without an outward act declaring that intention, and on the other hand no man can be said to have the dominion over a thing which he has no intention of possessing as his. Thus a man can not deprive others of their right to take possession of vacant property by merely considering it as his, without actually appropriating it to himself; and if he possesses it without any will of appropriating it to himself it can not be held to have ceased to be *res nullius*.

The intention to possess is to be presumed wherever the outward act shows such an intention, for that is to be presumed which is most probable.

The outward act or possession need not, however, be manual, for any species of possession, or, as the ancients expressed it, *custodia*, is a sufficient appropriation.

The general principle respecting the acquisition of animals *ferae naturæ* is, that it is absurd to hold anything to be a man's property which is entirely out of his power. But Grotius limits the application of that principle to the *acquisition* of things, and therefore justly dissent from the doctrine of Gajus given above, that the animal becomes again *res nullius* immediately on recovering its liberty, if it be difficult for the first occupant to retake it. He argues that when a thing has become the property of any one, whether it be afterwards taken from him by the act of man, or whether he lose it from a natural cause, he does not necessarily lose his right to it together with the possession; but that it is reasonable to presume that the proprietor of a wild animal must have renounced his right to it when the animal is gone beyond the hope of recovery and where it could not be identified. He, therefore, argues that the right of ownership to a wild animal may be rendered lasting, notwithstanding its flight, by a mark or other artificial sign by which the creature may be recognized.

With regard to fish, Voet argues that when they are included within artificial boundaries they are private property, but that when they are in a lake or other large piece of natural water, though the proprietor of the land may have a right of fishery there, yet the fish are in their natural state of liberty, and consequently they can not be his property until he has brought them within his power by catching them.

It was disputed among the ancient Roman jurisconsulti whether a wild animal becomes immediately the property of whoever wounds it so that it can be secured, or whether it becomes the property of him only who actually secures it. And Justinian confirmed the latter opinion, because many circumstances might occur to prevent the wounded animal being taken by him who wounded it.

Bees, also, are of a wild nature, and, therefore, they no more become the property of the owner of the soil by swarming in his trees than do the birds which build in them; and they are not his unless he inclose them in a hive. Consequently, whoever lives them makes them his own. And

while they are wild any one may cut off the honeycombs, though the owner of the land may prevent this by warning off trespassers. And a swarm flying from a hive belongs to the owner of the hive so long as it is within his sight, but otherwise it is the property of whoever takes possession of it.

With regard to creatures which have the habit of going and returning, such as pigeons, they remain the property of those to whom they belong so long as they retain the *animus revertendi* or disposition to return. But when they lose that disposition they become the property of whomsoever secures them. And they must be held to have lost the *animus revertendi* as soon as they have lost the habit of returning. Such are the doctrines of the Roman law, which are conformable to the English law, with the qualification of Grotius, which is applicable to the case of all animals *feræ naturæ*, that is to say, that a mark or collar prevents the rights of the proprietor of a wild animal being extinguished by its escape from his sight and pursuit.

[From Cooper's Justinian (lib. II, tit. 1, secs. 11 *et seq.*.)]

SEC. 11. *De Rebus Singulorum.*—There are various means by which things become private property. Of some we obtain dominion by the law of nature, which (as we have already observed) is also called the law of nations; of others, by the civil law. But it will be most convenient to begin from the more ancient law; that law, which nature established at the birth of mankind; for civil laws could then only begin to exist when cities began to be built, magistracies to be created, and laws to be written.

SEC. 12. *De Occupatione Ferarum.*—Wild beasts, birds, fish and all animals, bred either in the sea, the air, or upon the earth, so soon as they are taken, become by the law of nations, the property of the captor; for natural reason gives to the first occupant, that which had no previous owner; and it is not material whether the man takes wild beasts or birds upon his own, or upon the ground of another; although whoever hath entered into the ground of another for the sake of hunting or fowling, might have been prohibited by the proprietor, if he had foreseen the intent. Whatever of this kind you take, is regarded as your property while it remains under your coercion; but when it hath escaped your custody, and recovered its natural liberty, it ceases to be yours and becomes the property of the first who seizes it. It is understood to have recovered its natural liberty, if it hath escaped your sight; or although not out of sight, yet if it can not be pursued and retaken without great difficulty.

SEC. 13. *De Vulneratione.*—It hath been questioned, whether a wild beast belongs to him, by whom it hath been so wounded, that it may be taken. And, in the opinion of some, it doth so, as long as he pursues it; but, if he quits the pursuit, it ceases to be his, and again becomes the right of the first occupant. Others have thought that property in a wild beast must attach to the actual taking it. We confirm this latter opinion; because many accidents happen, which prevent the capture.

SEC. 14. *De Apibus.*—Bees also are wild by nature; therefore, although they swarm upon your tree, they are not reputed, until they are hived by you, to be more your property than the birds which have nests there; so, if any other person inclose them in a hive, he becomes their proprietor. Their honeycombs also, if any, become the property of him who takes them; but clearly, if you observe any person entering into your ground, the object untouched, you may justly hinder him. A

swarm which hath flown from your hive is still reputed to continue yours as long as it is in sight and may easily be pursued, but, in any other case it will become the property of the occupant.

SEC. 15. *De Pavonibus, et Columbis, et Cæteris Animalibus Mansuetis.*—Peacocks and pigeons are also naturally wild; nor is it any objection that after every flight, it is their custom to return; for bees that are naturally wild do so too. Some have had deer so tame that they would go to the woods and return at regular periods; yet no one denies but that deer are wild by nature. But, with respect to animals, which go and return customarily, the rule is, that they are considered yours, as long as they retain an inclination to return; but, if this ceases, they cease to be yours; and will again become the property of those who take them.

[The Case of Swans. (7 Coke, 15 b.)]

It was decided that a prescription to have all wild swans which are *feræ naturæ*, and not marked, building their nests, breeding, frequenting within a particular creek, is not good. For “the prescription was insufficient, for the effect of the prescription is to have all wild swans, which are *feræ naturæ*, within the said creek. And such prescription for a warren would be insufficient, as, for example, to have all partridges *nidificantes gigantes*, and frequenting within his manor. But he ought to say to have free warren of them within his manor; he can not have them *jure privilegii* but so long as they are within the place. But it was resolved that if the defendants had alleged that within the said creek there had been time out of mind a game of wild swans not marked, building and breeding; and then had prescribed, that such abbot and all his predecessors had used at all times to have and to take to their use some of the said game of wild swans and their cignets within the said creek, it had been good; for all those swans are royal fowls, yet in such manner a man may prescribe in them; for that may have a lawful beginning by the King's grant. For in the 30th Edward III the King granted to C. W. all wild swans unmarked between Oxford and London for seven years. A like grant was made of wild swans unmarked in the County of Cambridge to Bereford, K. T. G., by which it appears that the King may grant wild swans unmarked; and by consequence a man may prescribe in them in a certain place because it may have a lawful beginning. And a man may prescribe to have a royal fish within his manor as it is held in 39th Edward III, 35, for the reason aforesaid and yet without prescription they do belong to the King by his prerogative.”

In the same case it was said that there are three manner of property rights; property absolute, property qualified, property possessory. Property qualified and possessory a man may have in those animals which are *feræ naturæ*, and to such property a man may attain by two ways: by industry, or by *ratione impotentia et loci*. By industry as by taking them or by making them *mansuetæ* or *domesticae*. But in those which are *feræ naturæ* and by industry are made tame a man hath but a qualified property in them, namely, so long as they remain tame, for if they do attain to their natural liberty and have not *animus revertendi*, the property is lost. *Ratione impotentia et loci* as if a man has young goshawks or the like which are *feræ naturæ* and they build in my land, I have possessory property in them, for if one takes them when they can not fly the owner of the soil shall have an action of trespass. But when a man hath savage beasts *ratione privilegii*, as by reason of a park, warren

&c., he hath not any property in the deer, or conies, or pheasants, therefore in his action he shall not say *suis*, for he hath no property in them and they do belong to him for his game and pleasure so long as they remain in the privileged place.

It was resolved that all white swans not marked, which have gained their natural liberty, and are swimming in an open and common river, might be seized to the King's use by his prerogative, because *Volatilia (quæ sunt ferae naturæ) alia sunt regalia, alia communia;* * * * as a swan is a royal fowl; and all those, the property whereof is not known, do belong to the King by his prerogative; and so whales, and sturgeons, are royal fish, and belong to the King by his prerogative. * * * But it was resolved also that the subject might have property in white swans not marked, as some may have swans not marked in his private waters, the property of which belongs to him and not to the King; and if they escape out of his private waters into an open and common river, he may bring them back and take them again. And therewith agreeeth Bracton (lib. 2, c. 1, fol. 9): *Si autem animalia fera facta fuerint mansueta, et ex consuetudine eunt et redeunt, volant et revolant, (ut sunt cervi, cigni, pavones, et columbae, et hujusmodi) eousque nostra intelligentur quamdiu habuerint animum revertendi.* But if they have gained their natural liberty, and are swimming in open and common rivers, the King's officer may seize them in the open and common river for the King; for one white swan without such pursuit as aforesaid can not be known from another; and when the property of a swan can not be known, the same being of its nature a fowl royal, doth belong to the King; and in this case the book of 7 H, 6, 27, b, was vouched, where Sir John Tiptoft brought an action of trespass for wrongful taking of his swans; the defendant pleaded that he was seized of the lordship of S, within which lordship all those whose estate he hath in the said lordship had had time out of mind all estrays being within the same manor; and we say, that the said swans were estraying at the time in the place where, etc., and we as landlords did seize and make proclamations in fairs and markets; and so soon as we had notice that they were your swans, we delivered them to you at such a place.

The plaintiff replied that he was seized of the manor of B, joining to the lordship of S, and we say, that we and our ancestors, and all those, etc., have used time out of mind to have swans swimming through all the lordship of S, and we say, that long time before the taking we put them in there, and gave notice of them to the defendant that they were our swans, and prayed his damages. And the opinion of Strange there was well approved by the court, that the replication was good; for when the plaintiff may lawfully put his swans there, they cannot be estrays, no more than the cattle of any one can be estrays in such place where they ought to have common; because they are there where the owner hath an interest to put them, and in which place they may be without negligence or laches of the owner. Out of which case these points were observed concerning swans.

1. That every one who hath swans within his manor—that is to say, within his private waters—hath a property in them, for the writ of trespass was of wrongful taking his swans, scil. *Quare cignos suis,* etc.

2. That one may prescribe to have a game of swans within his manor, as well as a warren or park.

3. That he who hath such a game of swans may prescribe that his swans may swim within the manor of another.

4. That a swan may be an estray, and so can not any other fowl, as I have read in any book.

[*Child v. Greenhill* (3 Croke, 553).]

Trespass for entering and breaking plaintiff's close and fishing and taking fish in his several fishery. Contended for the defendant that he could not say "his" fishes, for he hath not any property in the fish until he takes them and has them in his possession. Attorneys for plaintiff maintained that they were in his several fishery, and that he might say "his" fishes, for there was not any other that might take them, and all the court was of that opinion.

[*Keeble v. Hickeringill*, 11 East's, 574.]

Action upon the case. Plaintiff declares that he was, November 8, in the second year of the Queen, lawfully possessed of a close of land called Minott's Meadow, *et de quodam vivario vocato*, a decoy pond, to which divers wild fowl used to resort and come; and the plaintiff had, at his own costs and charges, prepared and procured divers decoy ducks, nets, machines, and other engines for the decoying and taking of the wild fowl, and enjoyed the benefit in taking them; the defendant, knowing which, and intending to damnify the plaintiff in his vivary, and to fright and drive away the wild fowl used to resort thither, and deprive him of his profit, did on the 8th of November, resort to the head of the said pond and vivary, and did discharge six guns laden with gunpowder, and with the noise and stink of the gunpowder did drive away the wild fowl then being in the pond; and on the 11th and 12th days of November the defendant, *with design to damnify the plaintiff, and fright away the wild fowl*, did place himself with a gun near the vivary, and there did discharge the said gun several times that was then charged with the gunpowder against the said decoy pond, whereby the wild fowl were frightened away, and did forsake the said pond. Upon not guilty pleaded, a verdict was found for the plaintiff and £20 damages.

Holt, C. J.: I am of opinion that this action doth lie. It seems to be new in its instance, but is not new in the reason or principle of it. For, first, this using or making a decoy is lawful; secondly, this employment of his ground to that use is profitable to the plaintiff, as is the skill and management of that employment. As to the first, every man that hath a property may employ it for his pleasure and profit, as for alluring and procuring decoy ducks to come to his pond. To learn the trade of seducing other ducks to come there in order to be taken is not prohibited either by the law of the land or the moral law; but it is as lawful to use art to seduce them, to catch them, and destroy them for the use of mankind, as to kill and destroy wild fowl or tame cattle. Then when a man useth his art or his skill to take them to sell and dispose of for his profit, this is his trade; and he that hinders another in his trade or livelihood is liable to an action for so hindering him.

* * * * *

And when we do know that of long time in the kingdom these artificial contrivances of decoy ponds and decoy ducks have been used for enticing into these ponds wild fowl in order to be taken for the profit of the owner of the pond, who is at the expense of servants, engines, and other management, whereby the markets of the nation may be furnished, there is great reason to give encouragement thereunto; that the people who are so instrumental by their skill and industry so to furnish the markets should reap the benefits and have their action. But, in short, that which is the true reason is that this action is not

brought to recover damage for the loss of the fowl, but for the disturbance.

In the report of this same case in the 11th Modern, 75, Lord Chief Justice Holt says: "Suppose the defendant had shot in his own ground; if he had occasion to shoot it would be one thing, but to shoot on purpose to damage the plaintiff is another thing and a wrong." It should seem to be as if he fired for the purpose of disturbing the wild fowl in his neighbor's decoy, that he might take the chance of benefiting himself by shooting them on the wing in consequence of such disturbance.

[*Amory v. Flynn* (10 John., 102).]

In error, on certiorari, from a justice's court. Amory brought an action of trover against Flynn before the justice for two geese. There was a trial by jury. The plaintiff proved a demand of the geese and a refusal by the defendant unless the plaintiff would first pay 25 cents for liquor furnished to two men, who had caught the geese and pledged them to the defendant for it. The geese were of the wild kind, but were so tame as to eat out of the hand. They had strayed away twice before, and did not return until brought back. The plaintiff proved property in them, and that after the geese had left his premises the son of the defendant was seen pursuing them with dogs, and was informed that they belonged to the plaintiff. The jury found a verdict for the defendant, on which the justice gave judgment.

Per Curiam: The geese ought to have been considered as reclaimed so as to be the subject of property. Their identity was ascertained; they were tame and gentle, and had lost the power or disposition to fly away. They had been frightened and chased by the defendant's son, with the knowledge that they belonged to the plaintiff, and the case affords no color for the inference that the geese had regained their natural liberty as wild fowl, and that the property in them had ceased. The defendant did not consider them in that light, for he held them in consequence of the *lien* which he supposed he had acquired by the pledge. This claim was not well founded, for he showed no right in the persons who pawned them for the liquor so to pawn them, and he took them at his peril. Here was clearly an invasion of private right. If the person who took the geese, or who had kept them, had been put to necessary expense in securing them, such expense ought to have been refunded; but no such expense was shown or pretended, and to sanction such a pawn as this would lead to abuse and fraud.

A person who takes up an *estrav* can not levy a tax upon it but by way of amends of indemnity. This is the doctrine of the common law, (1 Roll. Abr., 879, c. 5; Noy's Rep., 144; Salk., 686), and the Roman lawyers equally denied to the finder of any lost property a *reward* for finding it *non probe petat aliquid*, says the Digest (Dig. 47, 2, 43, 9). And, indeed, the civil law (*ibid.* s. 4) considered it as a theft to convert to one's use, *animo lucrandi*, property found, without endeavors to find the owners, or without intention to restore it. But theft was not always considered, in that law, in the very odious sense of our common law; for as to the class of thefts denominated thefts not *manifest*, and of which this was one, that law provided only a civil remedy of double damages. A. Gellius (Noct. Alt. lib. 11, c. 18), who cites the very passage in the civil law which declares such conduct theft, gives that appellation to many acts which our law does, and ought to regard as trespasses merely; such, for instance, as ouster of possession of land. But, taking the civil law in the milder sense, it sufficiently

shows what was considered, in the wisdom of the ancients, as right and duty, in this case. The practice of mankind is apt to be too lax on this subject; and, when occasion offers, courts ought to lay down and enforce the just and benevolent lesson of morality and law.

The verdict, in this case, being against law and evidence, can not be supported. Judgment reversed.

[*Goff vs. Kilts* (15 Wend., 550).]

"The owner of *bees* which have been reclaimed, may bring an action of *trespass* against a person who cuts down a tree into which the bees have entered *on the soil of another*, destroys the bees and takes the honey.

"Where bees takes up their abode in a tree, they belong to the *owner of the soil*, if they are *unreclaimed*, but if they have been *reclaimed*, and their owner is able to identify his property, they do not belong to the owner of the soil, but to him who had the former possession, although he can not enter upon the lands of the other to retake them without subjecting himself to an action of *trespass*."

Error from the Madison common pleas. Kilts sued Goff in a justice's court in *trespass* for taking and destroying a swarm of *bees*, and the honey made by them. The swarm left the hive of the plaintiff, flew off and went into a tree on the lands of the Lenox Iron Company. The plaintiff kept the bees in sight, followed them, and marked the tree into which they entered. Two months afterwards the tree was cut down, the bees killed, and the honey found in the tree taken by the defendant and others. The plaintiff recovered judgment, which was affirmed by the Madison common pleas. The defendant sued out a writ of error.

By the court, Nelson, J.: Animals *feræ naturæ*, when reclaimed by the art and power of man, are the subject of a qualified property; if they return to their natural liberty and wildness, without the *animus revertendi*, it ceases. During the existence of the qualified property, it is under the protection of the law the same as any other property, and every invasion of it is redressed in the same manner. *Bees* are *feræ naturæ*, but when hived and reclaimed, a person may have a qualified property in them by the law of nature, as well as the civil law. Occupation, that is hiving or inclosing them, gives property in them. They are now a common species of property, and an article of trade, and the wildness of their nature, by experience and practice, has become essentially subjected to the art and power of man. An unreclaimed swarm, like all other wild animals, belongs to the first occupant—in other words, to the person who first hives them; but if the swarm fly from the hive of another, his qualified property continues so long as he can keep them in sight, and possesses the power to pursue them. Under these circumstances, no one else is entitled to take them. (2 Black. Comm., 393; 2 Kent's Comm., 394.)

The question here is not between the owner of the soil upon which the tree stood that included the swarm, and the owner of the bees; as to him, the owner of the bees would not be able to regain his property, or the fruits of it, without being guilty of trespass; but it by no means follows, from this predicament, that the right to the enjoyment of the property is lost; that the bees therefore become again *feræ naturæ* and belong to the first occupant. If a domestic or tame animal of one person should stray to the inclosure of another, the owner could not follow and retake it without being liable for a trespass. The absolute right

of property, notwithstanding, would still continue in him. Of this there can be no doubt. So in respect to the qualified property in the bees. If it continued in the owner after they hived themselves and abode in the hollow tree, as this qualified interest is under the same protection of law as if absolute, the like remedy existed in case of an invasion of it. It can not, I think, be doubted that if the property in the swarm continues while within sight of the owner—in other words, while he can distinguish and identify it in the air—that it equally belongs to him if it settles upon a branch or in the trunk of a tree, and remains there under his observation and charge. If a stranger has no right to take the swarm in the former case, and of which there seems no question, he ought not to be permitted to take it in the latter, when it is more confined and within the control of the occupant.

It is said the *owner of the soil* is entitled to the tree and all within it. This may be true, so far as respects an unreclaimed swarm. While it remains there in that condition, it may, like birds or other game, (game laws out of the question) belong to the owner or occupant of the forest, *ratione soli*. According to the law of nature, where prior occupancy alone gave right, the individual who first hived the swarm would be entitled to the property in it; but since the institution of civil society, and the regulation of the right of property by its positive laws, the forest as well as the cultivated field, belong exclusively to the owner, who has acquired a title to it under those laws. The natural right to the enjoyment of the sport of hunting and fowling, wherever animals *feræ naturæ* could be found, has given way, in the progress of society, to the establishment of rights of property better defined and of a more durable character. Hence no one has a right to invade the enclosure of another for this purpose. He would be a trespasser, and as such liable for the game taken. An exception may exist in the case of noxious animals, destructive in their nature. Mr. Justice Blackstone says: If a man starts game in another's private grounds, and kills it there, the property belongs to him in whose ground it is killed, because it was started there, the property arising *ratione soli*. (2 Black. Com., 419.) But if animals *feræ naturæ* that have been *reclaimed*, and a qualified property obtained in them, escape into the private grounds of another in a way that does not restore them to their natural condition, a different rule obviously applies. They are then not exposed to become the property of the first occupant. The right of the owner continues, and though he can not pursue and take them without being liable for a trespass, still this difficulty should not operate as an abandonment of the animals to their former liberty.

The rights of both parties should be regarded and reconciled, as far as is consistent with a reasonable protection of each. The case of *Heermance vs. Vernay* (6 Johns. R., 5), and *Blake vs. Jerome* (14 *id.*, 406), are authorities for saying, if any were wanted, that the inability of the owner of a personal chattel to retake it while on the premises of another, without committing a trespass, does not impair his legal interest in the property. It only embarrasses the use or enjoyment of it. The owner of the soil, therefore, acquiring no right to the property in the bees, the defendant below can not protect himself by showing it out of the plaintiff in that way. It still continues in him, and draws after it the possession sufficient to maintain this action against a third person, who invades it by virtue of no other claim than that derived from the law of nature. This case is distinguishable from the cases of *Gillett vs. Mason* (7 Johns. R., 16), and *Ferguson vs. Miller* (1 Cowen, 243). The first presented a question between the finder and a person

interested in the soil; the other between two persons, each claiming as the first finder. The plaintiff in the last case, though the first finder, had not acquired a qualified property in the swarm, according to the law of prior occupancy. The defendant had. Besides, the swarm being unreclaimed from their natural liberty while in the tree, belonged to the owner of the soil *ratione soli*. For these reasons I am of opinion that the judgment of the court below should be affirmed. Judgment affirmed.

[The opinion of Baron Wilde in *Blades v. Higgs* (12 C. B. N. S., 512).]

I wish to add a few words, as I think the doctrine of animals *feræ naturæ* has in modern times been sometimes pushed too far. It has been urged in this case that an animal *feræ naturæ* could not be the subject of individual property. But this is not so; for the common law affirmed a right of property in animals even though they were *feræ naturæ*; if they were restrained either by habit or inclosure within the lands of the owner. We have the authority of Lord Coke's Reports for this right in respect of wild animals, such as hawks, deer, and game, if reclaimed, or swans or fish, if kept in a private moat or pond, or doves in a dove cote. But the right of property is not absolute; for, if such deer, game, etc., attain their wild condition again, the property in them is said to be lost.

The principle of the common law seems, therefore, to be a very reasonable one, for in cases where either their own induced habits or the confinement imposed by man have brought about in the existence of wild animals the character of fixed abode in a particular locality, the law does not refuse to recognize in the owner of the land which sustained them a property coëxtensive with that state of things. When these principles were applied to a country of few inclosures, as in old times, the cases of property in game would be few; but the inclosures and habits of modern times have worked a great change in the character of game in respect to its wildness and wandering nature; and there is a vast quantity of game in this country which never stirs from the inclosed property of the proprietor by whose care it is raised and on whose land it is maintained.

It is, I think, now too late for the courts of law to meet this change of circumstances by declaring a property in live game; but if the legislature should interfere, as was suggested in argument, by giving to the owner of lands a property in game, either absolute or qualified, so long as it remained on his land, it would only be acting in the spirit and policy of the common law.

Mellor, J., concurred. Judgment affirmed.

[*Morgan and another, Executors of John, Earl of Abergavenny, deceased, v. William, Earl of Abergavenny* (8 C. B., 768).]

This was an action of trover. * * * The defendant pleaded, first, not guilty, except as to the said causes of action as to twelve bucks, one stag, eight does, and four fawns, parcel of the said bucks, stags, does, and fawns, respectively, in the declaration mentioned; secondly, that, except as aforesaid, the said John, Earl of Abergavenny, in his lifetime was not possessed, neither were the plaintiffs, as executors as aforesaid, after the death of the said John, Earl of Abergavenny, possessed, of the said deer or other animals in the declaration mentioned, or any of them, as of his or their own property, respectively; thirdly, that, except as aforesaid, the said deer and other animals in the declaration mentioned were not, nor was any of them, captured and reclaimed

from their natural and wild state, or tamed or kept confined or inclosed; fourthly, payment of £85 into court in respect of the excepted bucks, stags, does, and fawns.

The plaintiffs joined issue on the first three pleas and took the £85 out of court in satisfaction *pro tanto*.

The cause was tried before Coltman, J. and a special jury at the sittings at Westminster, after Hilary term, 1847.

The action was brought to recover the value of the deer which were in the park appertaining to Eridge Castle, in the County of Sussex, the principal country residence of the Earls of Abergavenny, at the time of the decease of John, the late earl, on the 12th of April, 1845.

The plaintiffs were Richard Morgan and Azariah Ellwood, the executors of the late earl, the defendant was his brother, who, the late earl having died a bachelor, succeeded to the title and to the family entailed estates.

At the time of the late earl's death, the deer in Eridge Park consisted of five hundred and forty head of fallow deer, and one hundred head of red deer in what was called the Deer Park, twelve bucks in a place called the New Park, and six stags and two bucks which were stalled for fatting.

Eridge Park was an ancient park, forming part of the ancient manor of Rotherfield—called in Domesday Book Reredfelle—which, it seems, was royal demesne of the fee of Odo, Bishop of Bayeux, brother of William the Conqueror, and therefore held by the Saxon Earl Godwin. In Domesday Book it is thus described:

"The land consists of twenty-six carucates in demesne, four carucates and fourteen villeins with six bordarers, having fourteen ploughs. There are four servi and wood sufficient to feed four score hogs. There is a park. In the time of King Edward the Confessor, it was worth £16; and afterwards £14; now £12; and, nevertheless, renders £30."

The substance of the evidence given on the part of the plaintiffs was as follows:

In modern times, Eridge Old Park has consisted of about 900 acres, a great portion of which is of a rough, wild description, containing a considerable quantity of fern, brake, and gorse. The new park adjoining consists of about 200 acres. Some additions were about forty years ago made to the Old Park by the removal of portions of the ancient fences, and erecting palings round the land so added. The deer usually had the range of the Old Park, where they were attended by keepers and fed in the winter with hay, beans, and other food. The does were watched in the falling season, and the fawns marked as they were dropped, in order to ascertain their age and to preserve the stock. At times, certain of the deer were selected from the herd and caught, with the assistance of lurchers muzzled, or with their teeth drawn, and turned into an inclosure in the new park, or into pens or stalls for the purpose of fattening them for consumption, or for sale to venison dealers. The ordinary mode of killing them was by shooting. There was a slaughterhouse in the park for preparing and dressing the carcasses. Some years since a great number of deer were brought to Eridge from Penshurst and other places. Deer sometimes, though rarely, escaped from the park by leaping over the fence. Some of them were described as being very tame, coming close to the keepers when called at feeding times. Witnesses were also called to prove that of late years deer have been commonly bought and sold for profit like sheep or other animals kept for the food of man. * * *

On the part of the defendant the conversion was admitted; but it

was insisted that Eridge Park was an ancient legal park, and that the deer therein, by the law of the land, were not personal property, but formed part of the inheritance. * * *

For the plaintiffs it was submitted that, although Eridge Park might originally have been a park in the strict sense of the term, having all the incidents of a legal park—vert, venison, and inclosure—it had ceased to bear that character, by reason of the manner in which it had in modern times been dealt with, it being essential that the boundaries of an ancient park should be strictly preserved, and that, by the mode in which the deer in question had been treated, they had ceased to be *feræ naturæ*, and had become mere personal property, like sheep or any other domestic animals.

The learned judge, in his summing up, told the jury that the main question for them to consider was, whether the deer in dispute were to be looked upon as wild, or as tame and reclaimed; and that it had been laid down by the best authorities upon the subject that deer in a park, conies in a warren, and doves in a dovecot, generally speaking, go with the inheritance to the heir, or, in a case like the present, where the estate does not go exactly in heirship, but under the limitations of an act of parliament, to the person next entitled under the parliamentary settlement; but that the rule was subject to this exception—that, if the animals are no longer in their wild state, but are so reduced as to be considered tame and reclaimed, in that case they go to the executors, and not to the heir. He then proceeded, in substance, as follows: A large body of evidence has been laid before you, for the purpose of satisfying you that Eridge Park was an ancient park, having all the incidents and privileges of an ancient park, to which rights formerly appertained which are now comparatively valueless. But the question will not turn upon whether Eridge was or was not an ancient park; though, at the same time, it may be desirable if you are able to form an opinion upon it, that you should state it. Undoubtedly, one who has an ancient park, having the rights and incidents of a legal park, ought to preserve the boundaries within which he claims to exercise those rights; and probably there can be no doubt that, if the boundaries are so effaced that they can not be distinctly ascertained, his franchise, as against the Crown, would be lost.

But that is a matter which does not, as it seems to me, very much concern the question now before us, because, though some rights might be forfeited by the destruction of the ancient boundaries, still the nature of the animals would remain unchanged. That deer, when caught and inclosed in a pen, would pass to the executors there can be no doubt, and probably if animals of this sort were inclosed in a small field, well fenced round and well kept, it could hardly be said that they were not so far reduced into immediate possession as to become personal property. It is quite admitted, upon the evidence on the one side and on the other, that there have been, from time to time, additions made to what formerly constituted Eridge Park, though there is some difference as to the quantity. And observing upon the documentary evidence put in on the part of the defendant, the learned judge said, with reference to the extract from Domesday Book and to the inquisition taken in the reign of Edward the Third upon the death of Hugh de Spencer, that at that period, when the forest laws were in full vigor, whenever a "park" was mentioned it must be understood to mean a *legal* park. And he concluded by asking the opinion of the jury upon two questions which he gave them in writing: first, whether Eridge Park was an ancient park, with all the incidents of a legal park; secondly, whether the

boundaries could be ascertained by distinct marks, telling them that the principal question was whether they found for the plaintiffs or for the defendant, the others being only incidental.

The jury retired, and after a protracted absence returned into court, the judge having left; when, upon the associate asking them whether they found for the plaintiffs or the defendant, the foreman answered:

"We find, first, that it was originally a legal park, but that its boundaries have been altered and enlarged; secondly, we find that the deer have been reclaimed from their natural wild state. What the effect of that opinion is we are not lawyers enough to say."

The associate declining to receive their verdict in that form, the jury again retired, and after a short absence returned into court, the foreman (addressing the associate) saying: "You may take it in the first instance as a verdict for the plaintiffs." The associate then asked, "Do you find that there was an ancient park, with the incidents of a legal park?" To which the foreman answered, "We find that it was originally a legal park, but that its boundaries have been altered and enlarged." Associate: "Do you find that there was an ancient park, with the incidents of a legal park?" Foreman: "Yes." Associate: "Do you find that there were distinct marks by which the boundaries could be ascertained?" Foreman: "Yes, there were."

The verdict was accordingly entered for the plaintiffs.

Talfourd, Sergeant, in the following Easter term, obtained a rule nisi for a new trial, on the grounds, first, that there had been no complete finding by the jury, they not having distinctly answered the real question which was submitted to them, viz, whether the deer were wild or reclaimed; secondly, that the learned judge misdirected the jury, in presenting the case to them as if the existence or nonexistence of Eridge Park, with all the legal incidents of a park, was a mere collateral question, whereas it was of the very essence of the inquiry (Co. Litt. 8 a.; *The case of Swans; Davies v. Powell*); thirdly, that there was no sufficient evidence to warrant the finding.

Humphrey, Channell, Sergt., and Bovill, in Easter term, 1848, showed cause in support of the verdict, and *Talfourd and Byles, Terfts and Willes* supported the rule to show cause.

Maule, J., now delivered the judgment of the court:

This case was argued in Easter term, 1848, before Lord Chief Justice Wilde and my brothers Coltnan and Cresswell and myself. In the absence of the Lord Chief Justice, I now proceed to pronounce the judgment, which has been prepared by him, and in substance assented to by us.

This was an action of trover, brought to recover damages for the conversion of a number of deer. The declaration contained two counts. The first count stated that the testator, in his lifetime, was possessed of a certain number of bucks, does, and other descriptions of deer, being captured and reclaimed from their natural wild state and confined in the close of the testator, and that the plaintiffs, after his death, were possessed as executors, and that the defendants afterwards converted the deer, etc. The second count stated that the plaintiffs, as executors, were possessed of the like quantity of deer, which the defendant had converted, to the damage of the plaintiffs.

The defendant, except as to a certain number of bucks, does, and fawns, pleaded not guilty to the whole declaration; and, secondly, that the testator was not possessed, nor were the plaintiffs, as his executors, possessed, of the deer as alleged; thirdly, that except as to a certain number of bucks, does, and fawns, the deer alleged in the de-

laration were not captured, reclaimed, and tamed, or kept confined in inclosed grounds, as alleged; lastly, as to the excepted bucks, does, and fawns, the defendant paid the sum of £85 into court.

Issue was joined on these pleas.

The cause was tried before the late Mr. Justice Coltman, at the sittings in Middlesex, after Hilary term, 1847, when the jury found a verdict for the plaintiffs upon the issues—testator possessed—plaintiffs possessed—and that the deer were tame and reclaimed.

A rule nisi was afterwards obtained by the defendant in the following Easter term to show cause why there should not be a new trial upon the ground of misdirection, that there had been no sufficient verdict found by the jury, and that, if a sufficient verdict had been found, it was contrary to the evidence.

Several questions arose upon the trial,—first, whether the land called Eridge Park, in the county of Sussex, was an ancient legal park; secondly, whether it continued to be a legal park, or whether it had become dissparkled by the addition of other lands to the original park, and by the removal, decay, or destruction of the fences, so as to destroy the evidence of the boundaries of such ancient park; and whether the deer kept in such park had been tamed and reclaimed.

In support of the defendant's case various ancient documents were given in evidence to establish that the place in question was an ancient legal park, and that from a very early period down to the time of the death of the testator there had always been a considerable herd of deer maintained in the park. And it was also proved that the place in question, consisting of upwards of 700 acres of land, was, in many parts, of a very wild and rough description. It also appeared by the evidence that certain lands had been added to the original park; and there was some contrariety of evidence in regard to the state of the fences.

It was also proved that a considerable quantity of deer had the range of the park; and that some were tame, as it was called, and others wild. What in particular the witnesses meant by the distinctions of tame and wild was not explained; but it rather seemed that their meaning was that some were less shy and timid than others. It appeared that the deer very rarely escaped out of the boundaries; that they were attended by keepers, and were fed in the winter with hay, beans, and other food; that a few years back a quantity of deer had been brought from some other place and turned into Eridge Park; that the does were watched, and the fawns, as they dropped, were constantly marked, so that their age at a future time might be ascertained; that, at certain times, a number of deer were selected from the herd, caught with the assistance of dogs, and were put into certain parts of the park, which were then inclosed from the rest, of sufficient extent to depasture and give exercise to the selected deer, which were fattened and killed, either for consumption, or for sale to venison dealers; that the deer were usually killed by being shot; and that there was a regular establishment of slaughterhouses for preparing and dressing them for use.

Such being the general effect of the evidence, the learned judge stated to the jury, that, by the general law, deer in a park went to the heir-at-law of the owner of the park; but that deer which were tame and reclaimed became personal property, and went by law to the personal representatives of the owner of them, and not to the heir of the owner of the park in which they were kept. And the learned judge left it to the jury, whether the place in question was proved by the evidence to have been an ancient park, with the legal rights of a park, and told

them that, if it had been an ancient park, and the boundaries could not now be ascertained, that the franchise might be forfeited in reference to the crown, but that that would not affect the question between the parties relative to the deer, that question being whether the deer were tamed and reclaimed; which must be determined with reference to the state and condition of the animals, the nature of the place where they were kept and the mode in which they had been treated: and the learned judge stated in writing the questions to be answered by the jury, which were, first, whether they found for the plaintiffs, the executors, or for the defendant, Lord Abergavenny; secondly, whether they found the place to be an ancient park, with the incidents of a legal park; thirdly, whether the boundaries could be ascertained by distinct marks.

The jury answered, that they found the place to be an ancient park, with all the incidents of a legal park; secondly, that the boundaries of the ancient park could be ascertained. And the jury expressed a wish to abstain from finding for either plaintiffs or defendant; but, upon being required to do so, they found a verdict for the plaintiffs, and stated that the animals had been originally wild, but had been reclaimed.

The rule came on for argument in Easter term, 1848; and it appeared, upon the discussion, that the objection that no sufficient verdict had been found by the jury, had been urged upon a misapprehension of what the jury had said. It was supposed that the jury had not found, in terms, for either plaintiffs or defendant, but merely had answered the questions put to them: but it appeared, upon inquiry, that the jury had been required to find a verdict for the plaintiffs or for the defendant, in addition to answering the questions; and that they accordingly returned a verdict for the plaintiffs.

The second objection was that the judge had misdirected the jury; and it has been contended, in support of that objection, that the judge must be held to have misdirected the jury in having omitted to impress sufficiently upon them the importance of the fact of the deer being kept in an ancient legal park.

But the judge *did* distinctly direct the attention of the jury to the fact of the deer being in a legal park, if such should be their opinion of the place, as an important ingredient in the consideration of the question whether the deer were reclaimed or not when he directed them that the question whether the deer had been reclaimed must be determined by a consideration, among the other matters pointed out, of the nature and dimensions of the park in which they were confined; and we do not perceive any objectionable omission in the judge's direction in this respect, unless the jury ought to have been directed that such fact was conclusive to negative the reclamation of the deer.

It has not been, on the part of the defendant, contended, in terms, that deer kept in a legal park can in no case be deemed to have been tamed or reclaimed, although the argument seemed to bear that aspect; but the many cases to be found in the books in which the question has been agitated, in whom the property was of deer in a park, seem quite inconsistent with such a position; because in all such cases the arguments proceeded upon the distinct fact that the deer were in a park, that is, a legal park; and the question was whether deer continued to be wild animals, in which no property could be acquired, and which, therefore, like other game and wild animals, being upon the land, passed with the estate, or whether, by reason of their being tamed and reclaimed, a property could be acquired in the deer distinct from the

estate, although remaining in the park, and which would pass in like manner as other personal property.

The general position, therefore, to be found in all the books, that deer in a park will pass to the heir unless tamed and reclaimed, in which case they would pass to the executor, seems to be inconsistent with the position that deer can not, in any case, be considered as tamed and reclaimed whilst they continue in a legal park. Many authorities are cited upon that subject, the names of which it is not necessary to advert to.

The observations made in support of the rule, on the part of the defendant, were rather addressed to a complaint that the learned judge did not give so much weight to the fact of this being a legal park as they thought belonged to it, than to any exception to what the judge really said upon the subject. There can be no doubt that the learned counsel on the part of the defendant did not omit to impress upon the jury his view of the importance of the fact of the deer being found in an ancient and legal park; and nothing is stated to have fallen from the judge calculated to withdraw the attention of the jury from the observations of the counsel made in that respect, or to diminish the force which justly attaches to any of them.

It remains to be considered whether the arguments in support of the rule have shown that the verdict upon the issue, whether the deer were tame and reclaimed, was warranted by the evidence. In showing cause, on the part of the plaintiff, against the rule, it was contended that the conclusion of the jury, that Eridge Park continued to possess all the incidents of a legal park, was not warranted by the evidence; because it was said that the franchise had been forfeited by the addition of other lands to the ancient park, and the destruction of the means of ascertaining the ancient boundaries; and numerous authorities were referred to, relating to the requisites for constituting an existing legal park, and of the causes of the forfeiture of the franchise. But the opinion which the court has formed upon the other parts of the case, renders it unnecessary to enter into the consideration of that question, or into an examination of the authorities referred to.

That it was proper to leave the question to the jury in the terms in which the issue is expressly joined can not be disputed, and the direction that that question must be determined by referring to the place in which the deer were kept, to the nature and habits of the animals, and to the mode in which they were treated, appears to the court to be a correct direction; and it seems difficult to ascertain by what other means the question should be determined, whether the evidence in this case was such as to warrant a conclusion that the deer were tamed and reclaimed.

The court is, therefore, of opinion that the rule can not be supported on the ground of misdirection.

It is not contended that there was no evidence fit to be submitted to the jury, and that, therefore, the plaintiff ought to have been nonsuited; but it is said that the weight of evidence was against the verdict.

In considering whether the evidence warranted the verdict upon the issue, whether the deer were tamed and reclaimed, the observations made by Lord Chief Justice Willes in the case of *Davies v. Powell*, are deserving of attention. The difference in regard to the mode and object of keeping deer in modern times from that which anciently prevailed, as pointed out by Lord Chief Justice Willes, can not be overlooked. It is truly stated that ornament and profit are the sole ob-

jects for which deer are now ordinarily kept, whether in ancient legal parks or in modern inclosures so called; the instances being very rare in which deer in such places are kept and used for sport; indeed, their whole management differing very little, if at all, from that of sheep, or of any other animals kept for profit. And, in this case, the evidence before adverted to was that the deer were regularly fed in the winter; the does with young were watched; the fawns taken as soon as dropped, and marked; selections from the herd made from time to time, fattened in places prepared for them, and afterwards sold or consumed, with no difference of circumstance than what attached, as before stated, to animals kept for profit and food.

As to some being wild, and some tame, as it is said, individual animals, no doubt, differed, as individuals in almost every race of animals are found, under any circumstances to differ, in the degree of tameness that belongs to them. Of deer kept in stalls, some would be found tame and gentle, and others quite irreclaimable, in the sense of temper and quietness.

Upon a question whether deer are tamed and reclaimed, each case must depend upon the particular facts of it; and in this case, the court think that the facts were such as were proper to be submitted to the jury; and, as it was a question of fact for the jury, the court can not perceive any sufficient grounds to warrant it in saying that the jury have come to a wrong conclusion upon the evidence, and do not feel authorized to disturb the verdict; and the rule for a new trial must, therefore, be discharged. Rule discharged.

[*John Davies v. Thomas Powell and six others. Willes's Reports, 1737-1758.*]

The following opinion of the court was thus given by Willes, Lord Chief Justice:

Trespass for breaking and entering the close of the plaintiff called Caversham Park, containing 600 acres of land, in the parish of Caversham in the county of Oxford, for treading down the grass, and for chasing taking and carrying away *diversas feras, videlicet*, 100 bucks 100 does and 60 fawns of the value of £600 of the said plaintiff *inclusas et coarctatas* in the said close of the said plaintiff. Damage £700.

The defendants all join in the same plea; and as to the force and arms, etc. they plead not guilty, but as to the residue of the trespass they justify as servants of Charles Lord Cadogan, and set forth that the place where, etc., at the time when, etc., was, and is a park inclosed and fenced with pales and rails, called and known by the name of Caversham Park, etc.; and that the said Lord Cadogan was seized thereof and also of a messuage, etc., in his demesne as of fee, and being so seized on the 3d of August, 1730, by indenture demised the same to the plaintiff by the name (*inter alia*) of all the said park called Caversham Park from Lady-day then last past for the term of 7 years, under the rent of £124 2s. The deer are not particularly demised, but there is a covenant that the plaintiff, his executors, and administrators should from time to time during the term keep the full number of 100 living deer in and upon the said demised premises, or in or upon some parts thereof. And Lord Cadogan covenants to allow the plaintiff in the winter yearly during the term twenty loads of boughs and lops of trees for browse for *his deer* to feed on, calling them there, as he does in other parts of the lease, the deer of the said John Davies; and likewise covenants that if the plaintiff shall on the feast of St. Michael next before the expiration thereof pay Lord Cadogan all the rent that

would be due at the expiration of the lease, then the plaintiff, his executors, etc., might sell or dispose of any or all of the deer that he or they should have in the said park at any time in the last year of the said term, anything in the said indenture to the contrary in anywise notwithstanding. And the defendants justify taking the said deer as a distress for £186 rent due at St. Thomas-day, 1731, and say that they did seize, chase, and drive away the said deer in the declaration mentioned then and there found, "being the property of and belonging to the said John Davies," in the name of a distress for the said rent; and then set forth that they complied with the several requisites directed by the act concerning distresses (and to which there is no objection taken) that the deer were appraised at £161 15s. 6d., and that they were afterwards sold for £86 19s., being the best price they could get for the same; and that the said sum was paid to Lord Cadogan towards satisfaction of the rent in arrear; and that in taking such distress they did as little damage as they could.

To this plea the plaintiff demurs generally, and the defendants join in demurrer.

And the single question that was submitted to the judgment of the court is whether these deer under these circumstances, as they are set forth in the pleadings, were distrainable or not. It was insisted for the plaintiff that they were not;

(1) Because they were *feræ naturæ*, and no one can have absolute property in them.

(2) Because they are not chattels, but are to be considered as hereditaments and incident to the park.

(3) Because, if not hereditaments, they were at least part of the thing demised.

(4) Their last argument was drawn *ab inusitato*, because there is no instance in which deer have been adjudged to be distrainable.

First. To support the first objection, and which was principally relied on by the counsel for the plaintiff, they cited Finch 176; Bro. Abr., tit. "Property," pl 20; Keilway, 30 b; Co. Lit. 47 a; 1 Rol. Abr. 666; and several other old books, wherein it is laid down as a rule that deer are not distrainable; and the case of *Mallocke v. Eastley*, 3 Lev. 227, where it was holden that trespass will not lie for deer, unless it appears that they are tame and reclaimed. They likewise cited 3 Inst. 109, 110, and 1 Hawk. P. C. 94 to prove that it is not felony to take away deer, conies, etc., unless tame and reclaimed.

I do admit that it is generally laid down as a rule in the old books that deer, conies, etc., are *feræ naturæ*, and that they are not distrainable; and a man can only have a property in them *ratione loci*. And therefore in the case of swans, (7 Co. 15, 16, 17, 18) and in several other books there cited it is laid down as a rule that where a man brings an action for chasing and taking away deer, hares, rabbits, etc., he shall not say *suis*, because he has them only for his game and pleasure *ratione privilegii* whilst they are in his park, warren, etc. But there are writs in the register (fol. 102), a book of the greatest authority, and several other places in that book which show that this rule is not always adhered to. The writ in folio 102 is "*quare clausum ipsius A. freget et intravit, & cuniculos suis cepit.*"

The reason given for this opinion in the books why they are not distrainable is that a man can have no valuable property in them. But the rule is plainly too general, for the rule in Co. Lit. is extended to dogs, yet it is clear now that a man may have a valuable property in a dog. Trover has been several times brought for a dog, and great

damages have been recovered. Besides the nature of things is now very much altered, and the reason which is given for the rule fails. Deer were formerly kept only in forests or chases, or such parks as were parks either by grant or prescription, and were considered rather as things of pleasure than of profit; but now they are frequently kept in inclosed grounds which are not properly parks, and are kept principally for the sake of profit, and therefore must be considered as other cattle.

And that this is the case of the deer which are distrained in the present case is admitted in the pleadings. The plaintiff by bringing an action of trespass for them in some measure admits himself to have a property in them; and they are laid to be *inclusas et coarctatas* in his close, which at least gave him a property *ratione loci*; and they are laid to be taken and distrained there; but what follows makes it still stronger, for in the demise set forth in the plea, and on which the question depends, they are several times called *the deer of John Davies, the plaintiff*, and he is at liberty to dispose of them as his own before the expiration of the term on the condition there mentioned. And it is expressly said that the defendants distrained the deer being the property of the said John Davies; it is also plain that he had a valuable property in them, they having been sold for £86 19s, both which facts are admitted by the demurrer. The plaintiff therefore in this case is estopped to say either that he had no property in them or that his property was of no value. Besides it is expressly said in Bro. Abr., tit. "Property," pl. 44, and agreed in all the books, that if deer or any other things *ferae naturæ* become tame a man may have a property in them. And if a man steal such deer it is certainly felony, as is admitted in 3 Inst., 110, and Hawk P. C., in the place before cited.

Upon a supposition, therefore, which I do not admit to be law now, that a man can have no property in any but tame deer, these must be taken to be tame deer, because it is admitted that the plaintiff had a property in them.

Second. As to their not being chattels but hereditaments and incident to the park and so not distrainable, several cases were cited: Co. Lit., 47 b. and 7 Co. 17 b.; where it is said that if the owner of a park die the deer shall go to his heir and not to his executors; and the statute of Marlbridge (52 Hen. III, c. 22), where it is said that no one shall distrain his tenants *de libero tenementio suo nec de aliquibus ad liberum tenementum spectantibus*. I do admit the rule that hereditaments or things annexed to the freehold are not distrainable; and possibly in the case of a park, properly so called, which must be either by grant or prescription, the deer may in some measure be said to be incident to the park; but it does not appear that this is such a park, nay it must be taken not to be so. In the declaration it is stiled *the close of the plaintiff*, called Caversham Park. In the plea indeed it is stiled a *park*, called Caversham Park; but it is not said that it is a park either by grant or prescription; and it can not be taken to be so on these pleadings, but must be taken to be a close where deer have been kept, and which therefore has obtained the name of a park, because the deer, as I mentioned before, are called *the deer of John Davies*, and because he is at liberty to sell them, and so to sever them from the park before the expiration of the term. And in Hale's History of the Pleas of the Crown (1 vol. fol. 491), cited for the defendants, it is expressly said that there may be a *park in reputation*, "as if a man inclose a piece of ground and put deer in it, but that makes it not a

park, without a prescription time out of mind or the King's charter." (Vid. stat., 21 Ed. I, *de malefactoribus in parcis* there referred to).

Third. As to the third objection that the deer are part of the thing demised, and consequently not distrainable, the only case which was cited to prove this was the case of tithes, which is nothing to the purpose; because where tithes only are let a man can not reserve a rent, it being only a personal contract. Without denying the rule, which I believe is generally true, the fact here will not warrant it, for they are not part of the thing demised. They are not mentioned in the description of the particulars, and can not be part of the thing demised for the reason before given, because they may be sold and disposed of by the plaintiff before the expiration of the demise.

Fourth. The last argument, drawn *ab inusitato*, though generally a very good one, does not hold in the present case. When the nature of things changes, the rules of law must change too. When it was holden that deer were not distrainable, it was because they were kept principally for pleasure and not for profit, and were not sold and turned into money as they are now. But now they are become as much a sort of husbandry as horses, cows, sheep, or any other cattle. Whenever they are so and it is universally known, it would be ridiculous to say that when they are kept merely for profit they are not distrainable as other cattle, though it has been holden that they were not so when they were kept only for pleasure. The rules concerning personal estates, which were laid down when personal estates were but small in proportion to lands, are quite varied both in courts of law and equity, now that personal estates are so much increased and become so considerable a part of the property of this kingdom.

Therefore, without contradicting the reasons which are laid down concerning this matter in the ancient books, and without determining anything with respect to deer in forests and chases or parks properly so called, concerning which we do not think it necessary to determine anything at present, we are all of opinion that we are well warranted by the pleadings to determine that these deer, under the circumstances in which they appear to have been kept at the time when this distress was taken, were properly and legally distrained for the rent that was in arrear.

There must therefore be judgment for the defendants.

14749—9

II.—THE RIGHT OF THE UNITED STATES TO PROTECT THEIR SEALING INTERESTS AND INDUSTRY.

The principal question which the United States Government conceives to be presented for the decision of this High Tribunal, is thus stated in the Case of the United States (p. 299):

Whether individuals, not subjects of the United States, have a right as against that Government and to which it must submit, to engage in the devastation complained of, which it forbids to its own citizens, and which must result in the speedy destruction of the entire property, industry, and interests involved in the preservation of the seal herd.

In reply on its part to this question, three propositions of law are set forth by the United States Government in its Case (p. 300):

First. That in view of the facts and circumstances established by the evidence, it has such a property in the Alaskan seal herd, as the natural product of its soil, made chiefly available by its protection and expenditure, highly valuable to its people, and a considerable source of public revenue, as entitles it to preserve the herd from destruction in the manner complained of, by an employment of such reasonable force as may be necessary.

Second. That, irrespective of the distinct right of property in the seal herd, the United States Government has for itself and for its people, an interest, an industry, and a commerce derived from the legitimate and proper use of the produce of the seal herd on its territory, which it is entitled, upon all principles applicable to the case, to protect against wanton destruction by individuals, for the sake of the small and casual profits in that way to be gained; and that no part of the high sea is or ought to be open to individuals, for the purpose of accomplishing the destruction of national interests of such a character and importance.

Third. That the United States, possessing as they alone possess, the power of preserving and cherishing this valuable interest, are in a most just sense the trustee thereof for the benefit of mankind, and should be permitted to discharge their trust without hindrance.

In the division of the argument that has been made between counsel for convenience' sake, the first and third of these propositions, which are naturally connected, have been exhaustively discussed by Mr. Carter.

Before proceeding to that consideration of the second proposition which is the principal purpose of this argument, the undersigned desires to add -in respect to the first, some brief suggestions, which are perhaps only a restatement in a different form, of what has been already advanced.

Whatever else is in dispute, certain facts in relation to the seal herd, its qualities, and its necessities, are not denied.

The seal is an amphibious animal, polygamous, altogether *sui generis*, and very peculiar in its habits. A fixed home upon land during several months in the year is necessary to its reproduction, and to the perpetuation of its species. It has established this home, from the earliest known period of its existence, on the Pribilof Islands, to which it returns annually with an unfailing *animus revertendi* and an irresistible instinct, and where it remains during several months, and until the young which are born there have acquired sufficient growth and strength to depart on their periodic and regular migration.

While on land it submits readily to the control of man, and indeed commits itself to his protection. And it is testified by credible witnesses that every seal in the herd, were it desired, could be branded with the mark of the United States.

The Government has fostered and protected the seals, as did the Russian Government, its predecessor in the ownership of these islands, by careful legislation and by constant and salutary executive control, and has established out of the seal products an important and valuable industry. Without this protection the animal would long since have been exterminated, as it has been almost everywhere else.

When the female seals arrive on the islands, they are pregnant with the young which were begotten there during the previous season. After the young are born, the mothers, while suckling them, are accustomed almost daily, and from necessity, to run out to sea beyond the limits of the territorial waters in pursuit of food, leaving the young on the islands during their absence.

Upon these facts alone, it is insisted by the United States Government, that it has such a property in the seal herd, the produce of its territory and appurtenant thereto, as entitles that Government to protect it from extermination or other unauthorized and injurious interference.

The complete right of property in the Government while the animals are upon the shore or within the cannon-shot range which marks the limit of territorial waters can not be denied. The only question is whether it has such a right outside of that line, while the seals are on their way to the islands in the regular progress of their migration at the season of reproduction, or when, while remaining on the islands, the females are passing to and fro in the open sea in quest of the food necessary to sustain the young left there, and which would perish if their mothers were destroyed. The clear statement of this question and of the facts upon which it depends, would seem to render its answer obvious.

(1) Even upon the ordinary principles of municipal law as administered in courts of justice, such a property would exist under the circumstances stated. It is a general rule, long settled in the common law of England and America, that where useful animals, naturally wild have become by their own act, or by the act of those who have subjected them to control, established in a home upon the land of such persons, to which the animals have an *animum revertendi* or fixed habit of return, and do therefore regularly return, where they are nurtured, protected, and made valuable by industry and expenditure, a title arises in the proprietors of the land, which enables them to prevent the destruction of the animals while temporarily absent from the territory where they belong; a title, however, which would be lost should they abandon permanently their habit of return, and regain their former wild state.

It is under this rule, the justice of which is apparent, that property is admitted in bees, in swans and wild geese, in pigeons, in deer, and in many other animals originally *feræ naturæ*, but yet capable of being partially subjected to the control of man, as is fully shown by the numerous authorities cited in and appended to Mr. Carter's argument; and that point need not be further elaborated.¹ The case of the seals is much stronger, in consequence of their peculiar nature and habits of life. Their home on American soil is not only of their own selection, but is a permanent home, necessary to their existence, and in respect to which they never lose the *animum revertendi*. Upon the evidence in

¹ See also the cases of Hannam *v.* Mockett, 2 Barnewall *v.* Cresswell's, Rep., p. 943; Keeble *v.* Hicheringill, Holt's Rep., p. 17, and Carrington *v.* Taylor, 1 East's Rep., p. 571, and Reporter's note, from which extracts are given in appendix to this portion of the argument, p. 180.

this case it is gravely to be doubted, whether if the United States Government should now repel them from the Pribylof Islands, and prevent henceforth their landing there as they are accustomed to do, there is any other land in those seas, affording the requisite qualities of soil, climate, atmosphere, approach, propinquity to the water, food, and freedom from disturbance, on which they would be able to reëstablish themselves, so as to continue their existence.

Especially does the rule of law above stated apply to animals, which in their temporary departure from their accustomed home, enter upon no other jurisdiction, and derive neither sustenance nor protection from any other proprietor, but only pass through the waters of the common highway of nations, where all rights are relative.

(2) But upon the broader principles of international law applicable to the case, the right of property in these seals in the United States Government becomes still clearer. Where animals of any sort, wild in their original nature, are attached and become appurtenant to a maritime territory, are not inexhaustible in their product, are made the basis of an important industry on such territory, and would be exterminated if thrown open to the general and unrestricted pursuit of mankind, they become the just property of the nation to which they are so attached, and from which they derive the protection without which they would cease to exist, even though in the habits or necessities of their life some of them pass from time to time into the adjacent sea, beyond those limits which by common consent and for the purposes of defense, are regarded as constituting a part of the national territory. In such a case as this, the herd and the industry arising out of it become indivisible, and constitute but one proprietorship.

While the United States Government asserts and stands upon the full claim of property in the seals which we have attempted to establish, it is still to be borne in mind that a more qualified right would yet be sufficient for the actual requirements of the present case. The question here is not what is the right of ownership in an individual seal, should it wander in some other period into some other and far distant sea; that is an inquiry not essential to be gone into; but what is the right of property in the herd as a whole, in the seas, and under the circumstances, in which it is thus availed of by the United States Government as the foundation of an important national concern, and in

which it is assailed by the Canadians in the manner complained of! When this point is determined, all the dispute that has arisen in this case is disposed of.

The principle of law last stated is not only asserted, without contradiction, by the authoritative writers upon international jurisprudence, but has been acted upon, with the assent of all nations, in every case that has arisen in civilized times, within the conditions above stated. And upon that tenure is held and controlled to-day, by nations whose borders are upon the sea, all similar property, of many descriptions, that under like circumstances is known to exist.

Says Puffendorf (*Law of Nature and Nations*, book 4, chap. 5, sec. 7):

As for fishing, though it hath much more abundant subject in the sea than in lakes or rivers, yet 'tis manifest that it may in part be exhausted, and that if all nations should desire such right and liberty near the coast of any particular country, that country must be very much prejudiced in this respect; especially since 'tis very usual that some particular kind of fish, or perhaps some more precious commodity, as pearls, coral, amber, or the like, are to be found only in one part of the sea, and that of no considerable extent. In this case there is no reason why the borderers should not rather challenge to themselves this happiness of a wealthy shore or sea than those who are seated at a distance from it.

Says Vattel (*Book 1, chap. 23, sec. 287, p. 120*):

The various uses of the sea near the coasts render it very susceptible of property. It furnishes fish, shells, pearls, amber, etc.; now in all these respects its use is not inexhaustible. Wherefore, the nation to whom the coasts belong may appropriate to themselves, and convert to their own profit, an advantage which nature has so placed within their reach as to enable them conveniently to take possession of it, in the same manner as they possess themselves of the dominion of the land they inhabit. Who can doubt that the pearl fisheries of Bahrem and Ceylon may lawfully become property? And though, where the catching of fish is the only object, the fishery appears less liable to be exhausted, yet if a nation have on their coasts a particular fishery of a profitable nature, and of which they may become masters, shall they not be permitted to appropriate to themselves that bounteous gift of nature as an appendage to the country they possess, and to reserve to themselves the great advantages which their commerce may thence derive, in case there be a sufficient abundance of fish to furnish the neighboring nations? * * * (Sec. 288.) A nation may appropriate to herself those things of which the free and common use would be prejudicial or dangerous to her. This is a second reason for which governments extend their dominion over the sea along their coasts, as far as they are able to protect their right.

Another suggestion is pertinent to the question.

The whole herd owes its existence, not merely to the care and protection, but to the forbearance of the United States Government within its

exclusive jurisdiction. While the seals are upon United States territory during the season of reproduction and nurture, that Government might easily destroy the herd by killing them all, at a considerable immediate profit. From such a slaughter it is not bound to refrain, if the only object is to preserve the animals long enough to enable them to be exterminated by foreigners at sea. If that is to be the result, it would be for the interest of the Government and plainly within its right and powers, to avail itself at once of such present value as its property possesses, if the future product of it can not be preserved. Can there be more conclusive proof than this of such lawful possession and control as constitutes property, and alone produces and continues the existence of the subject of it?

The justice and propriety of these propositions, their necessity to the general interests of mankind, and the foundation upon which they rest in the original principles from which rights of ownership are derived, have been clearly and forcibly pointed out by Mr. Carter.

In a later part of this argument (pp. 164–169) many instances, past and present, in respect to many descriptions of marine and submarine property, from many nations, and from Great Britain and its colonies especially, are gathered together to show what the usage of mankind on this subject has been and is. It is that general usage which constitutes the law of this case. And on this point, if it can be shown that any different usage has ever prevailed in the case of any nation able to assert its independence, touching any similar property on which it set value, let such evidence be produced by those who are able to find it, and whose claims it will subserve. If in this instance the United States Government has no right of property which it is entitled to protect, the case would present the singular anomaly of being the only one in which that right has not been maintained, in respect to any valuable marine product similarly situated, or appurtenant in like manner to the territory of a maritime country.

It is against this view of the case, too obvious to escape the attention of the distinguished counsel for Her Majesty's Government, that they have chiefly struggled throughout the British Counter Case, for which they have thought it right to reserve their contentions, both in propositions and evidence, in respect to the principal questions involved. But they have struggled in vain. The broad facts upon which it rests are either admitted or are incontestable. No mere attempt to disparage or diminish them, no cavil over details, no conjectural suggestions

unsustained by proof, can break their force or change their effect. And the legal conclusions to which they conduct, can not be regarded at this day as open to serious question.

The case of the United States has thus far proceeded upon the ground of a national property in the seal herd itself. Let it now be assumed, for the purposes of the argument, that no such right of property is to be admitted, and that the seals are to be regarded, outside of territorial waters, as *feræ naturæ* in the full sense of that term. Let them be likened, if that be possible, to the fish whose birthplace and home are in the open sea, and which only approach the shores for the purpose of food at certain seasons, in such numbers as to render the fishing there productive.

The question then remains, whether upon that hypothesis, the industry established and maintained by the United States Government on the Pribilof Islands, in the taking of the seals and the commerce that is based upon it, are open to be destroyed at the pleasure of citizens of Canada, by a method of pursuit outside the ordinary line of territorial jurisdiction, which must result in the extermination of the animals. Is there, even in that view of the case, any principle of international law which deprives the United States Government of the right to defend itself against this destruction of its unquestioned interests, planted and established on its own territory? In other words, is the right of individual citizens of another country to the temporary profit to be derived out of such extermination, superior on the high sea to that of the United States Government to protect itself against the consequences.

This, if the strict right of property can be successfully denied, is the precise question addressed to the consideration of the Tribunal. Abstract speculations can only be useful, so far as they tend to conduct to a just determination of it.

Before proceeding to a discussion of this question, the material facts and conditions upon which it arises should be clearly perceived and understood. For it is upon these and not upon theoretical considerations that the argument reposes.

(1) It is to be observed in the first place, that the interest in the business which it is sought to protect, is an important interest and resource of the Government itself.

The seal industry on these islands was one of the principal inducements to the purchase of Alaska by the United States from the Rus-

sian Government, for a large sum of money. The care and pursuit of the seals were immediately made the subject of legislation by Congress, under which the whole business has been since regulated, protected, and carried on by the Government, as it had been before by Russia, in such manner as to preserve the existence and to increase the numbers of the seal herd, and to make its product valuable to those engaged in it, and a source of a considerable public revenue to the Government. (See U. S. Revised Statutes, secs. 1956-1975.)

It pays to the Government, as the evidence shows, a direct revenue of about \$10 per skin, and a considerable indirect revenue upon the importation of the dressed furs; and to the company, which under lease from the Government and subject to its regulations carries on the business, it affords a large annual return, which enables them to make their payments to the Government. To the inhabitants of the islands and many others directly employed or indirectly concerned, it gives the means of subsistence.

Nor are the United States alone the recipients of the profits, or interested to preserve this industry. The principal manufacture of merchantable furs from the raw skins is carried on in London, where large houses are engaged in it, employing as the proof shows, between 2,000 and 3,000 persons. London is also the headquarters of the trade in the product, and of the commerce through which it is distributed. It is probable that the interest of Great Britain in the preservation of the seal herd is almost as great as that of the United States.

The civilized world outside of these two countries is likewise concerned in preserving from extinction the valuable product of these islands. It enters largely into human use; there is no substitute for it, especially in view of the great decrease of fur-bearing animals; and nowhere else on the globe is the seal fur produced in any considerable quantities. Almost everywhere this valuable animal has been exterminated, by the same reckless and wasteful pursuit that is complained of here.

It is pertinent to remember, in this connection, that if the nation that is contending for the preservation of this product of its territory was but small and poor, and this resource for revenue and subsistence, instead of being one out of many, were the only one it possessed, so that its very existence depended upon the maintenance of it, the principles of international law applicable to the subject would be precisely the same as they are now. The case would be relatively of greater im-

portance to one of the parties; the law that would control it would be the law that controls this case; for a nation has the same right to defend one material interest, or one class of citizens, that it has to defend all it possesses, and all the conditions of its existence.

(2) The pursuit of the seals in the open sea, at the times and in the manner complained of, leads to the early extermination of the whole herd.

It is not necessary to the argument that this extreme result should be made out. It would be enough to show that the interest in question is seriously embarrassed and prejudiced, or its product materially reduced, even though it were not altogether destroyed. But the evidence in the case, of which a large amount has been submitted, completely establishes the fact that the herd has by these means been already largely diminished, and that it must necessarily, if the same conduct is continued, be at no distant day entirely annihilated.

(3) The method of pursuit employed by the Canadian vessels, and against which the United States Government protests, not only tends to the rapid extermination of the seal, but is in itself barbarous, inhuman, and wasteful.

A very large proportion of the seals taken are females, either pregnant and about to give birth to their young, or engaged in suckling their offspring, which, by the killing of the mothers, are left to perish in great numbers by starvation. Some are in both these conditions at the same time. And of those thus destroyed in the water, a considerable share certainly, and probably a very large share, are lost to the hunter.

The killing of female seals at any time is made criminal by the statutes of the United States. (U. S. Revised Statutes, sec. 1961).

The destruction during the breeding season of wild animals of any kind which are in any respect useful to man, is prohibited, not only by all the instincts of humanity, but by the laws of every civilized country, and especially by the laws of the United States and of Great Britain. That protection, as will be more fully pointed out hereafter, has long been and now is extended to the seals in every country in the world where they are to be found. In no part of the world that is within territorial jurisdiction could such conduct take place, without exposing the perpetrator to criminal prosecution (see Case of the United States, pp. 220-229). So that in order to justify it in this case, the sea must be held to be free for acts which are not only destructive of the valuable interests of an adjacent nation, but are forbidden everywhere else by universal law.

(4) The depredations in question, dignified in the Report of the British Commissioners by the name of an "industry," are the work of individuals who fit out vessels for this purpose. Their number, though increasing, is not great. The business is speculative, and as a whole not remunerative, though it has instances of large gains which stimulate the enterprise of those concerned, and make the prospect attractive, like all occupations which have a touch of adventure, an element of gambling, and a taste of cruelty.

It is this casual and uncertain profit, of these comparatively few individuals, which must of course terminate when the seal herd is destroyed or even much reduced, that is to be balanced against the loss that will be sustained by the United States, if that destruction is completed.

(5) Against this injury, which the United States Government has made the subject of vain remonstrance, there are absolutely no means of defense that can be made available within the limits of territorial jurisdiction. The destruction is wrought outside those limits, and must be repressed there or it can not be repressed at all.

As it is impossible, when seals are hunted in the water, that the sex can ever be discriminated before the killing takes place, it follows that if what is called "pelagic sealing" is allowed to be carried on, the enormous proportion of pregnant and suckling females and of nursing young before referred to, must continue to be destroyed.

That method of pursuit conduces also unavoidably to injurious raids by those concerned in it, upon the seals on the islands. The extent of the shores and the peculiarity of the climate and atmosphere, as described in the evidence, make it extremely difficult and at times impossible to maintain such vigilance as will prevent these incursions, if seal-hunting in the neighboring waters is permitted. The result of these raids is suggested in the British Counter Case as one of the means by which the gradual extermination of the seals, too obvious to be denied, is taking place. How much the suggestion is worth, will be seen when the whole evidence is reviewed. But the counsel seem to forget, in making it, that it is only the toleration of foreign sealing vessels in waters near the islands, that renders such raids possible.

The inevitable conclusion from these facts is, that there is an absolute necessity for the repression of killing seals in the water in the seas near the Pribilof Islands, if the herd is to be preserved from extinction. No middle course is practicable consistently with its preservation.

The evidence adduced on the part of the United States in support of the foregoing propositions of fact, and that relied upon to the contrary, so far as we have had an opportunity to see it, is fully discussed in a later branch of the argument (*infra*, pp. 228-313).

The ground upon which the destruction of the seal is sought to be justified, is that the open sea is free; and that since this slaughter takes place there, it is done in the exercise of an indefeasible right in the individuals engaged in it; that the nation injured can not defend itself on the sea, and therefore upon the circumstances of this case can not defend itself at all, let the consequences be what they may.

The United States Government denies this proposition. While conceding and interested to maintain the general rule of the freedom of the sea, as established by modern usage and *consensus of opinion*, it asserts that the sea is free only for innocent and inoffensive use, not injurious to the just interests of any nation which borders upon it; that to the invasion of such interests, for the purposes of private gain, it is not free; that the right of self-defense on the part of a nation is a perfect and paramount right, to which all others are subordinate, and which upon no admitted theory of international law has ever been surrendered; that it extends to all the material interests of a nation important to be defended; that in the time, the place, the manner, and the extent of its execution, it is limited only by the actual necessity of the particular case; that it may, therefore, be exercised upon the high sea, as well as upon the land, and even upon the territory of other and friendly nations, provided only that the necessity for it plainly appears; and that wherever an important and just national interest of any description is put in peril for the sake of individual profit by an act upon the high sea, even though such act would be otherwise justifiable, the right of the individual must give way, and the nation will be entitled to protect itself against the injury, by whatever force may be reasonably necessary, according to the usages established in analogous cases.

It is believed that these general principles will be found to underlie the whole theory and system of the law of the sea, so far as it has been formulated by the consent and usage of mankind; that they are the foundation of many maritime rights, long recognized and established; that they have received the sanction of courts of justice whenever they have been brought under judicial consideration, and of all writers upon the subject whose views are entitled to weight; that they are supported

by many historic precedents, the rightfulness of which has never been called in question; and that no precedent or authority can be produced, judicial, juridical, or historical, for such a right in the open sea as is claimed by the Canadians in the present case.

That the sea was at an early day regarded as subject to no law is probably true. It was the theatre of lawless violence and the home of piracy. But this condition was soon found intolerable. The assumption of a dominion over it by adjacent maritime nations became a necessity to self-protection, and was therefore generally assented to. The *mare liberum* in all such waters gave way to *mare clausum*, not upon principle, but for the sake of defense. Says Sir Henry Maine (*Lectures upon International Law*, pp. 75-77):

The first branch of our inquiry brings us to what, at the birth of international law, was one of the most bitterly disputed of all questions, the question of *mare clausum* and *mare liberum*—sea under the dominion of a particular power, or sea open to all—names identified with the great reputations of Grotius and Selden. In all probability the question would not have arisen but for the dictum of the institutional Roman writers that the sea was by nature common property. And the moot point was whether there was anything in nature, whatever that word might have meant, which either pointed to the community of sea or of rivers; and also what did history show to have been the actual practice of mankind, and whether it pointed in any definite way to a general sense of mankind on the subject. We do not know exactly what was in the mind of a Roman lawyer when he spoke of nature. Nor is it easy for us to form even a speculative opinion as to what can have been the actual condition of the sea in those primitive ages, somehow associated with the conception of nature. The slender evidence before us seems to suggest that the sea at first was common, only in the sense of being universally open to depredation. * * *

Whatever jurisdiction may have been asserted, probably did not spring from anything which may be called nature, but was perhaps a security against piracy. At all events this is certain, that the earliest development of maritime law seems to have consisted in a movement from *mare liberum*, whatever that may have meant, to *mare clausum*—from navigation in waters over which nobody claimed authority, to waters under the control of a separate sovereign. The closing of seas meant delivery from violent depredation at the cost or by the exertion of some power or powers stronger than the rest. No doubt sovereignty over water began as a benefit to all navigators, and it ended in taking the form of protection.¹

¹ Sir Henry Maine proceeds as follows: "Mr. W. E. Hall, in a very interesting chapter of his volume (Part II, 2) has shown that international law, in the modern sense of the words, began in a general system of *mare clausum*. The Adriatic, the Gulf of Genoa, the North Sea, and the Baltic were all closed and were under authority, and England claimed to have precedence and to exercise jurisdiction of various kinds from the North Sea and the parts of the Atlantic adjoining Scotland and Ireland, southwards to the bay of Biscay. In all these waters the omission to lower the flag to a British ship would have been followed by a cannon shot. Thenceforward the progress

When commerce became more extensive and better able to protect itself, the modern conception of the freedom of the sea, first formally set forth by Grotius, came gradually to be established. But the contrary doctrine was contended for by the great judicial authorities in England. The views of Sir Matthew Hale and of Selden are well known. The powerful argument of the latter is a permanent monument of the contention of his time in England. The opinion of Blackstone was to the same effect. As late as 1824 another eminent English writer, Mr. Chitty, in his Commercial Law, maintained the right of dominion by maritime nations over neighboring seas, founded upon the necessities of their situation. The surrender by England and other maritime powers of their control over the seas, so long maintained, in deference to the growing sentiment of the world and the demands of free commerce, was slowly and reluctantly given. But that surrender was, as universally understood, for the purposes of just, innocent, and mutually profitably use by the nations whose borders touched the sea. It was not thrown open again to general lawlessness. The whole argument in favor of the freedom of the sea was based upon the ground that its free use by mankind was inoffensive and harmless and conductive to the general good; and, therefore, ought not to be arbitrarily restricted.¹

Says Mr. Justice Story:

Every ship sails there [in the open sea] with the unquestionable right of pursuing her own lawful business without interruption, but whatever may be that business, she is bound to pursue it in such a manner as not to violate the rights of others. The general maxim in such cases is *sic utere tuo ut alienum non laedas*. (The Marianna Flora, 11 Wheaton's Repts., U. S. Sup. Court, p. 41.)

of maritime jurisdiction was reversed—from *mare clausum* to *mare liberum*; and the sovereignty allowed by international law over a portion of the sea is in fact a decayed and contracted remnant of the authority once allowed to particular states over a great part of the known sea and ocean" (p. 77).

¹Grotius (Book II, chap. III, sec. 12, p. 445) remarks: "It is certain that he who would take possession of the sea by occupation could not prevent a *peaceful and innocent navigation*, since such a transit can not be interdicted even on land, though ordinarily it would be less necessary and more dangerous."

And Mr. Twiss (Int. Law, secs. 172, 183) says: "But this is not the case with the open sea, upon which all persons may navigate without the least prejudice to any nation whatever, and without exposing any nation thereby to danger. It would thus seem that there is no natural warrant for any nation to seek to take possession of the open sea, or even to restrict the innocent use of it by other nations. * * * The right of fishing in the open sea or main ocean is common to all nations on the same principle which sanctions a common right of navigation, viz, that he who fishes in the open sea does no injury to any one, and the products of the sea are, in this respect, inexhaustible and sufficient for all."

Says Chancellor Kent (*1 Commentaries, 27*):

Every vessel in time of peace has a right to consult its own safety and convenience, and to pursue its own course and business without being disturbed, *when it does not violate the rights of others*.

The freedom of the high seas for the *inoffensive* navigation of all nations is firmly established. (Amphlett, J., *Queen v. Kehn*, 2 Law Rep. Exch. Div., p. 119.)

Nor was the right of self-defense on the sea ever yielded up or relinquished by any nation. On the contrary, in every successive instance in the progress of civilization and the advance of commerce, in which restrictions upon the freedom of the sea were found necessary to the protection of any material interest or right, general or special, such restrictions were at once asserted, were recognized by general assent, and became incorporated into the growth of that system of rules and usages known as international law. Some of them will be more particularly adverted to hereafter. The safety of states and the protection of their commercial interests were not sacrificed to the idea of the freedom of the sea. That freedom was conceded for the purposes of such protection, and as affording its best security.

There are no arbitrary restrictions imposed in modern times upon the freedom of the sea. Neither are there any arbitrary rights there. There, as elsewhere, liberty has two conditions; submission to just principles of law, and due regard for the rights of others. And these conditions are enforced by the injured party, because they can be enforced in no other way.¹

¹ "Since, then, a nation is obliged to preserve itself, it has a right to everything necessary for its preservation, for the law of nature gives us a right to everything without which we can not fulfill our obligations.

"A nation or state has a right to everything that can help to ward off imminent danger and to keep at a distance whatever is capable of causing its ruin, and that from the very same reasons that establish its right to things necessary to its preservation." (Vattel, secs. 18, 19.)

"The right of self-defense is, accordingly, a primary right of nations, and it may be exercised, either by way of resistance to an immediate assault or by way of precaution against threatened aggression. The indefeasible right of every nation to provide for its own defense is classed by Vattel among its perfect rights." (Twiss, Int. Law, part I, sec. 12.)

"The right of self-preservation is the first law of nations, as it is of individuals." * * * "For international law considers the right of self-preservation as prior and paramount to that of territorial inviolability." (Phillimore, Int. Law, chap. 10, secs. 111, 114.)

"In the last resort almost the whole of the duties of states are subordinated to the right of self-protection. Where law affords inadequate protection to the individual, he must be permitted, if his existence is in question, to protect himself by whatever means may be necessary. * * * There are, however, circumstances falling short of occasions upon which existence is immediately in question, in which,

The right of self-defense by a nation upon the sea, and the right of municipal jurisdiction over a limited part of the sea adjacent to the coast, are not to be confounded, for the two are totally distinct. The littoral jurisdiction, indeed, is only a branch of the general right of self-defense, accorded by usage and common consent: first, because it is always necessary for self-protection, and next, because it is usually sufficient for it. Upon no other ground was it ever attempted to be sustained. That jurisdiction must be limited by an ascertained or ascertainable line, is its necessary condition. That the right of self-defense is subject to no territorial line, is equally plain. All rights of self-defense are the result of necessity. They are co-extensive with the necessity that gives rise to them, and can be restricted by no other boundary. As remarked by Chief Justice Marshall, "All that is necessary to this object is lawful, all that transcends it is unlawful."

Precisely what is the limit of jurisdiction upon the littoral sea, and precisely what are the nature and extent of the jurisdiction that can be asserted within it, whether it is absolute or qualified, territorial or extraterritorial, are questions that have been the subject of grave difference of opinion among jurists. Nor have they ever been entirely settled. They will be found to be discussed with a fullness of learning, a depth of research, and a masterly power of reasoning, to which nothing can be added, in the opinions of the English judges in the important and leading case of *The Queen v. Kehn* (2 Law Rep. Exch. Div., 1876-'77, pp. 63 to 239). These learned and eminent judges were not fortunate enough to agree upon all the questions involved, and every view that can be taken of them, and every consideration that is pertinent, are exhaustively presented in their opinions.

Upon these vexed questions it is not at all necessary to enter in the present case, for they have little to do with it. Whether the conclu-

through a sort of extension of the idea of self-preservation to include self-protection against serious hurts, states are allowed to disregard certain of the ordinary rules of law, in the same manner as if their existence were involved." (Hall, Int. Law, chap. 7, sec. 83.)

"If a nation is obliged to preserve itself, it is no less obliged carefully to preserve all its members. The nation owes this to itself, since the loss even of one of its members weakens it and is injurious to its preservation. It owes this also to the members in particular, in consequence of the very act of association; for those who compose a nation are united for their defense and common advantage, and none can justly be deprived of this union and of the advantages he expects to derive from it, while he, on his side, fulfills the conditions. The body of a nation can not, then, abandon a province, a town, or even a single individual who is a part of it, unless compelled to it by necessity or indispensably obliged to it by the strongest reasons founded on the public safety." (Vattel, sec. 17.)

sions of one or the other of these conflicting opinions are to be accepted, is immaterial here. All authorities agree that the sole reason upon which a certain right of jurisdiction upon the sea, and within a limit that is variously stated, has been conceded to maritime nations, is found in the necessities of self-defense. This part of the dominion over the sea, whether it be greater or less, has never been surrendered. It is a remnant of the former more extended dominion, retained for the same reason for which that was asserted. Lord Chief Justice Cockburn, in his opinion in the case just cited, reviews the history of this subject, quoting the language of every previous writer of repute, and referring to every judicial decision respecting it which then existed. He points out very clearly the different views that have prevailed and which then prevailed as to the nature of the jurisdiction, and as to the distance over which it could be extended. This limit has been variously asserted by writers of distinction and authority, at two days' sail, one hundred miles, sixty miles, the horizon line, as far as can be seen from the shore, as far as bottom can be found with the dead line, the range of a cannon shot, two leagues, one league, or so far as the Government might think necessary.¹

On the other point, the character of the jurisdiction, it may be assumed that by the controlling opinion of the present time, and by

¹ The lord chief justice observes: "From the review of these authorities we arrive at the following results: There can be no doubt that the suggestion of Bynkershoek that the sea surrounding the coast to the extent of cannon range should be treated as belonging to the state owning the coast, has, with but very few exceptions, been accepted and adopted by the publicists who have followed him during the last two centuries. But it is equally clear in the practical application of the rule in the respect of the particular of distance, as also in the still more essential particular of the character of sovereignty and dominion to be exercised, great differences of opinion have prevailed and still continue to exist. As regards distance, while the majority of authors have adhered to the three-mile zone, others, like M. Ortolan and Mr. Halleck, applying with greater consistency the principle on which the whole doctrine rests, insist on extending the distance to the modern range of cannon—in other words, doubling it. This difference of opinion may be of little practical importance in the present circumstances, inasmuch as the place at which the offense occurred was within the lesser distance; but it is nevertheless not immaterial as showing how unsettled this doctrine still is. The question of sovereignty, on the other hand, is all-important, and here we have every shade of opinion. * * * Looking at this we may properly ask those who contend for the application of the existing law to the littoral sea, independently of legislation, to tell us the extent to which we are to go in applying it. Are we to limit it to three miles, or to extend it to six? Are we to treat the whole body of the criminal law as applicable to it, or only so much as relates to police and safety? Or are we to limit it, as one of these authors proposes, to the protection of fisheries and customs, the exacting of harbor and like dues, and the protection of our coasts in time of war? Which of these writers are we to follow?"

the usage of nations, it is not regarded as so far absolute that a nation may exclude altogether from within the range of cannon shot the ships of another country, innocently navigating, and violating no reasonable regulation of the municipal law. But the power which may be exerted within that limit is only coextensive with the just requirements of the self protection for which it exists, although undoubtedly the nation exercising the jurisdiction must be allowed, so long as it acts in good faith, to be its own judge as to the regulations proper to be prescribed, and the manner of their enforcement.¹

This somewhat indefinite area of a greater or less jurisdiction over the marginal sea, which has thus come to be recognized and conceded, though accorded for the purposes of national self-protection, is by no means its boundary. It illustrates the right of which it is an example, but does not exhaust it. It is but one application of the principle out of many. The necessity which gave rise to it justifies likewise the larger power, and further means of defence, which may from time to time be required. No nation, in whatever statute or treaty it may have assented to the three-mile or cannon-shot limit of municipal jurisdiction, has ever agreed to surrender its right of self defense outside of that boundary, or to substitute for that right the contracted and qualified power which is only one of the results of it, and which must

¹Says Sir Robert Phillimore, in his opinion in *Queen v. Kehn*: "The sound conclusions which result from the investigation of the authorities which have been referred to appear to me to be these: The concensus of civilized independent states has recognized a maritime extension of frontier to the distance of three miles from low water mark, because such a frontier or belt of water is necessary for the defence and security of the adjacent state.

"It is for the attainment of these particular objects that a dominion has been granted over these portions of the high seas.

"This proposition is materially different from the proposition contended for, viz: that it is competent to a state to exercise within these waters the same rights of jurisdiction and property which appertain to it in respect to its lands and its ports. There is one obvious test by which the two sovereignties may be distinguished.

"According to modern international law it is certainly a right incident to each state to refuse a passage to foreigners over its territory by land, whether in time of peace or war. But it does not appear to have the same right with respect to preventing the passage of foreign ships over this portion of the high seas.

"In the former case there is no *jus transitus*; in the latter case there is.

"The reason of the thing is that the defence and security of the state does not require or warrant the exclusion of peaceable foreign vessels from passing over these waters, and the custom and usage of nations has not sanctioned it."

Lord Cockburn, in *Queen v. Kehn*, speaking of the claim that a nation has the right of excluding foreign ships from innocent passage within the three-mile limit, says it is a "doctrine too monstrous to be admitted." And again, "No nation has arrogated to itself the right of excluding foreign vessels from the use of the external littoral waters for the purpose of navigation."

often prove inadequate or inapplicable. On the contrary, as will be seen hereafter, many nations have been compelled to assert, and have successfully asserted, much wider and larger powers in the defence of their manifold interests.

It is under the operation of the same principle on which jurisdiction is awarded to nations over the sea within the 3-mile or cannon-shot limit, that a similar jurisdiction is allowed to be exercised not only over navigable rivers, bays, and estuaries, which may be fairly regarded as lying within territorial boundaries, but over those larger portions of the ocean comprised within lines drawn between distant promontories or headlands, and often extending much more than three miles from the nearest coast. Such waters were formerly known in English law as "the King's Chambers."¹

Chancellor Kent remarks on this subject (1 Com., pp. 30, 31):

Considering the great extent of the line of the American coasts, we have a right to claim for fiscal and defensive regulations a liberal extension of maritime jurisdiction; and it would not be unreasonable, as I apprehend, to assume, for domestic purposes connected with our safety and welfare, the control of the waters on our coasts, though included within lines stretching from quite distant headlands, as for instance, from Cape Ann to Cape Cod, and from Nantucket to Montauk Point, and from that point to the capes of the Delaware, and from the south cape of Florida to the Mississippi.

The principle on which this exercise of maritime jurisdiction reposes is only that of self-defense. As Chancellor Kent further observes (1 Com., p. 26):

Navigable rivers which flow through a territory, and the seacoast adjoining it * * * belong to the sovereign of the adjoining territory, as being necessary to the safety of the nation and to the undisturbed use of the neighboring shores.

That the right of self-defence is not limited by any physical boundary, but may be exerted wherever and whenever necessity requires it, upon the high sea or even upon foreign territory, is not only the inevitable result of the application of just principles, but is established by the highest authorities in the law of nations.

¹Sir Henry Maine says (Lectures on International Law, p. 80): "Another survival of larger pretensions is the English claim to exclusive authority over what were called the King's Chambers. These are portions of the sea cut off by lines drawn from one promontory of our coast to another, as from Lands End to Milford Haven. The claim has been followed in America, and a jurisdiction of the like kind is asserted by the United States over Delaware Bay and other estuaries which enter into portions of their territory."

Vattel says upon this subject (p. 128, sec. 289):

It is not easy to determine to what distance the nation may extend its rights over the sea by which it is surrounded. * * * Each state may on this head make what regulation it pleases so far as respects the transactions of the citizens with each other, or their concerns with the sovereign; but, between nation and nation, all that can reasonably be said is that in general the dominion of the state over the neighboring seas extends as far as her safety renders it necessary, and her power is able to assert it.

Chancellor Kent observes (1 Com., p. 29):

It is difficult to draw any precise or determinate conclusion amidst the variety of opinions as to the distance to which a state may lawfully extend its exclusive dominion over the sea adjoining its territories and beyond those portions of the sea which are embraced by harbors, gulfs, bays, and estuaries, and over which its jurisdiction unquestionably extends. All that can reasonably be asserted is, that the dominion of the sovereign of the shore over the contiguous sea extends as far as is requisite for his safety and for some lawful end.

And states may exercise a more qualified jurisdiction over the seas near their coast for more than the three (or five) mile limit for fiscal and defensive purposes. Both Great Britain and the United States have prohibited the transshipment within four leagues of their coast of foreign goods without payment of duties.¹ (Kent Com. I, p. 31.)

In the case of *Church v. Hubbard* (2 Cranch, Rep. 287), the Supreme Court of the United States unanimously held that "the right of a nation to seize vessels attempting an illicit trade is not confined to their harbors or to the range of their batteries." It appeared in that case that Portugal had prohibited trade with its colonies by foreigners. A

¹ Mr. Twiss says (vol. I, pp. 241, 242, Int. Law): "Further, if the free and common use of a thing which is incapable of being appropriated were likely to be prejudicial or dangerous to a nation, the care of its own safety would authorize it to reduce that thing under its exclusive empire if possible, in order to restrict the use of it on the part of others, by such precautions as prudence might dictate."

Wildman, on the same point, says (Int. Law, vol. I, p. 70): "The sea within gunshot of the shore is occupied by the occupation of the coast. Beyond this limit maritime states have claimed a right of visitation and inquiry within those parts of the ocean adjoining to their shores, which the common courtesy of nations had for their common convenience allowed to be considered as parts of their dominions for various domestic purposes, and particularly for fiscal and defensive regulations more immediately affecting their safety and welfare."

Creasy (Int. Law, sec. 245) remarks: "States may exercise a qualified jurisdiction over the seas near their coasts for more than the three (or five) miles limit, for fiscal and defensive purposes, that is, for the purpose of enforcement of their revenue laws, and in order to prevent foreign armed vessels from hovering on their coasts in a menacing and annoying manner."

And Halleck says (Int. Law, chap. 6, sec. 13) the three-mile belt is the subject of territorial jurisdiction. "Even beyond this limit states may exercise a qualified jurisdiction for fiscal and defensive purposes."

foreign vessel found to have been intending such trade was seized on the high seas, carried into a Portuguese port, and there condemned. And it was held that the seizure was legal, Chief Justice Marshall delivering the opinion of the court. He points out with great clearness the difference between the right of a nation to exercise jurisdiction, and its right of self-defense.¹

Lord Chief Justice Cockburn, in his opinion in the case of *Queen v. Kehn*, *supra*, cites this decision with approval, and quotes from the opinion. He says (2 Law Rep., 214):

Hitherto legislation, so far as relates to foreigners in foreign ships in this part of the sea, has been confined to the maintenance of neutral rights and obligations, the prevention of breaches of the revenue and fishery laws, and, under particular circumstances, to cases of collision. In the two first, the legislation is altogether irrespective of the three-mile distance, being founded on a totally different principle, viz, the right of the state to take all necessary measures for the protection of its territory and rights, and the prevention of any breach of its revenue laws. This principle was well explained by Marshall, C. J., in the case of *Church v. Hubbart*.²

The opinion of Chief Justice Marshall and the language of Lord Cockburn, above cited, very clearly illustrate the distinction between a municipal statute and a defensive regulation. The one emanates from the legislative power, and has effect only within the territorial jurisdiction in which it is enacted, and upon those subject to that jurisdiction elsewhere. The other is the exertion of executive authority when necessary for the protection of the national interest, and may take place wherever that necessity exists. Statutes intended for such protection may, therefore, have effect as statutes within the jurisdiction, and as defensive regulations without it, if the Government choose so to enforce them, provided only that such enforcement is necessary for just defense, and that the regulations are reasonable for that purpose. (*Supra.*, pp. 169-171).

Such was the view of the United States Supreme Court in the Sayward Case, in respect to the operation of the acts of Congress before referred to, for the protection of the seal in Bering Sea. In that case

¹For full quotations from this opinion, see Appendix to this argument, *infra*, p. 181.

²After quoting at large from Chief Justice Marshall's opinion, Lord Cockburn proceeds to say: "To this class of enactments belong the acts imposing penalties for the violation of neutrality and the so-called 'hovering acts' and acts relating to the customs. Thus, the foreign enlistment act (33 and 34 Vic. C. 90) which imposes penalties for various acts done in violation of neutral obligations, some of which are applicable to foreigners as well as to British subjects, is extended in S. 2 to all the dominions of Her Majesty, 'including the adjacent territorial waters.'"

a Canadian vessel had been captured on the high sea by a United States cruiser, and condemned by decree of the United States District court, for violation of the regulations prescribed in those acts; and it was claimed by the owners that the capture was unjustifiable, as being an attempt to give effect to a municipal statute outside the municipal jurisdiction. The case was dismissed because it was not properly before the court. But in the opinion it is intimated that if it had been necessary to decide the question the capture would have been regarded as an executive act in defense of national interests, and not as the enforcement of a statute beyond the limits of its effect. (Case of the *Sayward*, U. S. Sup. Ct. Rep., Book 36, U. S. Led., p. 179.)

As such defensive regulations, if the United States Government thinks proper so to enforce them beyond the territorial line, the provisions of those acts of Congress fulfill the conditions of being both necessary and reasonable. They interfere in no respect with the freedom of the sea, except for the protection of the seal. And for the purposes of that protection they are not only such as the Government prescribes as against its own subjects, but are clearly shown by the evidence to be necessary to be so enforced, in order to prevent the extermination of the seals and its consequences to the United States.

The decision in *Church v. Hubbart* is cited as stating the law, by Chancellor Kent (1 Com., 31); and also by Mr. Wharton (Dig. Int. Law, p. 113) and by Wheaton (Int. Law, 6th ed., p. 235). It was followed in the same court by the case of *Hudson v. Guestier* (6 Cranch Rep., 281), in which it was held that the jurisdiction of the French court as to seizures is not confined to seizures made within two leagues of the coast. And that a seizure beyond the limits of the territorial jurisdiction for breach of a municipal regulation is warranted by the law of nations.

This decision overruled a previous case (*Rose v. Ilmely*, 4 Cranch Rep., 287) made, though upon very different facts, by a divided court. The dissenting opinion of Johnson, J., in that case, which by the subsequent decision became the law, is worthy of perusal.¹

Mr. Dana, who published an edition of Wheaton, with notes which so far as they were his own did not add to its value, is of opinion that in the decision in *Church v. Hubbart*, Chief Justice Marshall and his eminent associates were mistaken. And this remark of his is cited in the British Case. Mr. Dana has no such repute as makes him an

¹ For opinion see Appendix, *infra* p. 182.

authority, especially when he undertakes to overrule the greatest of American judges, and the repeated decisions of the Supreme Court of the United States. No other writer or judge, so far as we are aware, has ever shared his opinion. And, as has been seen, the decision of Chief Justice Marshall has received the approval of very great lawyers.

In the comments in his note upon these cases, Mr. Dana does not correctly state them. The decision in *Church v. Hubbard* was upon the unanimous opinion of the court, and has never been questioned except by him. The subsequent case of *Rose v. Himely* decided that the seizure of a vessel without the territorial domain of the sovereign under cover of whose authority it is made will not give jurisdiction to condemn the vessel, if it is never brought within the dominions of that sovereign. It would seem from some of the language of Chief Justice Marshall, that he *may* have been of opinion that the seizure itself was unwarranted, irrespective of the fact that the vessel never was brought in, though this is by no means clear. Judges Livingston, Cushing, and Chase concurred in the decision, on the sole ground that the captured ship was not brought into a port of the country to which the capturing vessel belonged; and declined to express an opinion as to the validity of the seizure upon the high sea, for breach of a municipal regulation, provided the vessel had been so brought in. While Judge Johnson dissented altogether, holding in the opinion above referred to, that the seizure was valid, although never brought in. Mr. Dana mistakes the case of *Rose v. Himely* in saying that it was there decided that a seizure of a vessel outside of the territorial jurisdiction is unwarranted. And he mistakes the case of *Hudson v. Guestier*, in which the contrary is distinctly held, Chief Justice Marshall concurring.

The cases of the *Marianna Flora* (11 Wheaton Rep. U. S. Sup. Court), above cited, in which the opinion was delivered by Mr. Justice Story, and the case of the Schooner *Betsey* (Mason's Rep. 354), a decision of Judge Story, were to the same effect.¹

¹In the recent case (1890) of *Manchester v. Massachusetts* (139 U. S. Supreme Court Rep., 240), the law on this subject was thus stated by Mr. Choate, of counsel: "Without these limits were the 'high seas,' the common property of all nations. Over these England, as one of the common sovereigns of the ocean, had certain rights of jurisdiction and dominion derived from and sanctioned by the agreement of nations expressed or implied.

"Such jurisdiction and dominion she had for all purposes of self-defense, and for the regulation of coast fisheries.

"The exercise of such rights over adjacent waters would not necessarily be limited

The Continental publicists are in full concurrence on this point with English and American authorities.¹

In respect to the exercise of the right of self-defense, not merely upon the high seas but in the territory or territorial waters of a foreign and friendly state, authority is equally strong. Says Mr. Wharton (1 Dig. of Int. Law., p. 50):

Intrusion on the territory or territorial waters of a foreign state is excusable when necessary for self-protection in matters of vital importance, and when no other mode of relief is attainable.

And (pp. 221, 222):

When there is no other way of warding off a perilous attack upon a country, the sovereign of such country can intervene by force in the territory from which the attack is threatened, in order to prevent such attack.

A belligerent may, under extreme necessity, enter neutral territory and do what is actually necessary for protection.

And he cites the case of Amelia Island, in respect to which he says:

Amelia Island, at the mouth of St. Mary's River, and at that time in Spanish territory, was seized in 1817 by a band of buccaneers, under the direction of an adventurer named McGregor, who, in the name of the insurgent colonies of Buenos Ayres and Venezuela, preyed indiscriminately on the commerce of Spain and of the United States. The Spanish Government not being able or willing to drive them off, and the nuisance being one which required immediate action, President

to a 3-mile belt, but would undoubtedly be sanctioned as far as reasonably necessary to secure the practical benefits of their possession. If self-defense or regulation of fisheries should reasonably require assumption of control to a greater distance than 3 miles, it would undoubtedly be acquiesced in by other nations.

"The *marine league* distance has acquired prominence merely because of its adoption as a boundary in certain agreements and treaties, and from its frequent mention in text-books, but has never been established in law as a fixed boundary.

"These rights belonged to England as a member of the family of nations, and did not constitute her the possessor of a proprietary title in any part of the high seas nor add any portion of these waters to her realm. In their nature they were rights of dominion and sovereignty rather than of property."

Mr. Justice Blatchford, in delivering the opinion of the court, says: "We think it must be regarded as established that, as between nations, the minimum limit of the territorial jurisdiction of a nation over tide-waters is a marine league from its coast; that bays wholly within its territory not exceeding two marine leagues in width at the mouth, are within this limit; and that included in this territorial jurisdiction is the right of control over fisheries, whether the fish be migratory, free-swimming fish, or free-moving fish, or fish attached to or embedded in the soil. The open sea within this limit is, of course, subject to the common right of navigation, and all governments, for the purpose of self-protection in time of war or for the prevention of frauds on its revenue, exercise an authority beyond this limit."

¹For citations from Azuni, Plocque, La Tour, Calvo, Heffter, Bluntechli, and Carnazza-Amari, see Appendix, *infra* pp. 183-186.

Monroe called his Cabinet together in October, 1817, and directed that a vessel of war should proceed to the island and expel the marauders, destroying their works and vessels.

In the case of the Caroline, in the year 1838, during the Canadian rebellion, a British armed force pursued that vessel into an American port on Lake Erie, cut her out and destroyed her by fire, killing one or more of her crew. This otherwise gross violation of the territory of a friendly nation was justified by the British Government as a necessary measure of self defense, since the Caroline had been engaged in carrying supplies to the insurgents. In the correspondence that ensued between the two governments, the British right to intrude as they did upon American territory was conceded by Mr. Webster, the American Secretary of State, provided the necessities of self-defense required it, and the only question made was whether the necessity for its exercise actually existed. In the end, that point seems to have been given up, and no reparation or apology was ever made. Though it is certainly difficult to see how any greater necessity was to be found in that case than may always be said to exist for attacking an enemy's ship, the case presents a very strong illustration of the application of an undoubted principle. A very interesting discussion of the question will be found in the correspondence.¹

Phillimore says of the Caroline case (vol. I, p. 255, sec. coxvi):

The act was made the subject of complaint on the ground of violation of territory by the American Government, and vindicated by Great Britain on the ground of self-preservation; which, if her version of the facts were correct, was a sufficient answer and a complete vindication.

Hall (Int. Law, p. 267, par. 34) expresses similar views.

In 1815, under orders of Mr. Monroe, measures were taken for the destruction of a fort held by outlaws of all kinds on the Appalachicola River, then within Spanish territory, from which parties had gone forth to pillage within the United States. The governor of Pensacola had been called upon to repress the evil and punish the marauders, but he refused; and on his refusal the Spanish territory was entered, and the fort attacked and destroyed, on the ground of necessity.

A similar case was that of Greytown. It was a port on the Mosquito coast, in which some United States citizens resided. These citizens, and others interested with them in business, were subjected to gross indignities and injuries by the local authorities, who were British, but

¹ For correspondence between Mr. Webster and Lord Ashburton, and remarks of Mr. Calhoun and Lord Campbell, see Appendix, *infra*, p. 186.

who professed to act from the authority of the king or chief of the Mosquito Islands. The parties then appealed to the commander of the United States sloop of war *Cyane*, then lying near the port, for protection. To punish the authorities for their action he bombarded the town. For this act he was denounced by the British residents, who claimed that the British Government had a protectorate over that region. His action was sustained by the Government of the United States, the ground being the necessity of punishing in this way the wrong to citizens of the United States, and preventing its continuance. (1 Wharton's Dig., p. 229.)

When the sovereign of a territory permits it to be made the base of hostilities by outlaws and savages against a country with which such sovereign is at peace, the government of the latter country is entitled, as a matter of necessity, to pursue the assailants wherever they may be, and to take such measures as are necessary to put an end to their aggressions. (*Ib.*, p. 226.)

An incursion into the territory of Mexico for the purpose of dispersing a band of Indian marauders is, if necessary, not a violation of the law of nations. (*Ib.*, p. 233.)¹

In all these cases the discussion proceeded upon the question of the existence of the particular necessity. The right to enter upon neutral territory, if necessity really required it, was not controverted by any of the governments concerned.

A still more striking illustration of the exercise of the national right of self-defense upon the high seas, at the expense of innocent commerce, and to the entire subordination of private rights, which, except for the consequences to national interests, would have been unquestionable, is found in the British Orders in Council in the year 1809, prohibiting neutral commerce of every kind with ports which the Emperor of France had declared to be closed against British trade. The effect of

¹ "Temporary invasion of the territory of an adjoining country, when necessary to prevent and check crime, 'rests upon principles of the law of nations entirely distinct from those on which war is justified—upon the immutable principles of self-defense—upon the principles which justify decisive measures of precautions to prevent irreparable evil to our own or to a neighboring people.'" (Mr. Forsyth, Sec. of State, 1 Wharton, p. 230.)

"The first duty of a government is to protect life and property. This is a paramount obligation. For this governments are instituted, and governments neglecting or failing to perform it become worse than useless. * * * The United States Government can not allow marauding bands to establish themselves upon its borders with liberty to invade and plunder United States territory with impunity, and then, when pursued, to take refuge across the Rio Grande under the protection of the plea of the integrity of the soil of the Mexican Republic." (Mr. Evarts, Sec. of State, 1 Wharton, p. 232.)

these orders was to arrest upon the sea the lawful trade of neutrals, not with blockaded ports, nor even belligerent ports not blockaded, but with neutral ports. Yet the validity of these orders upon the principles of international law, severe as their consequences were, was affirmed by the great judicial authority of Lord Stowell, then Sir William Scott, in several cases of capture that came before him in admiralty, upon the ground that they were necessary measures of self-defense to which all private rights must give way.

In the case of the *Success* (1 Dodson Rep., p. 133), he said:

The blockade thus imposed is certainly of a new and extended kind, but has arisen necessarily out of the extraordinary decrees issued by the ruler of France against the commerce of this country, and subsists, therefore, in the apprehension of the court at least, in perfect justice.

In the case of the *Fox* (1 Edwards Adm. Rep., 314), he remarked in reference to the same orders:

When the state, in consequence of gross outrages upon the laws of nations committed by its adversary, was compelled by a necessity which it laments, to resort to measures which it otherwise condemns, it pledged itself to the revocation of those measures as soon as the necessity ceases.

Again, speaking of those retaliatory measures as necessary for the defense of commerce, he says in another case:

In that character they have been justly, in my apprehension, deemed reconcilable with those rules of natural justice by which the international communication of independent states is usually governed. (*The Snipe*, Edw. Adm. Rep., 382.)

Lord Stowell's judgments in these cases have never been criticised or disapproved by any court of justice, nor by any writer of repute on international law. The necessity relied upon might perhaps be questioned, but when that is established, it is not to be doubted that it becomes the measure of the right.

Another very forcible illustration of the principle contended for, is to be seen in the exclusive right asserted by Great Britain to the fisheries on the Newfoundland and Nova Scotia coasts, not only within what are called the territorial seas, but as far from the coast as the fisheries extend. The full diplomatic discussion of this subject will be found in the "*Documents relating to the transactions at the negotiation of Ghent, collected and published by John Quincy Adams, one of the Commissioners of the United States.*" The occasion was the negotiation of the treaty of peace between the United States and Great Britain, at the conclusion of the war of 1812.

One material question very much discussed and considered, was the right to be accorded to the United States in these fisheries. By the treaty of 1783 between those countries, at the close of the Revolutionary War, certain rights in them had been conceded by Great Britain to her colonies, whose independence was in that treaty admitted. When the treaty of 1815 was made, it was claimed by Great Britain that the treaty of 1783 had been abrogated by the subsequent war, and that the right of the Americans to participate in the fisheries, granted by that treaty, had by its abrogation been lost. The relative contentions of the parties will be clearly seen by perusal of Mr. Adams's exhaustive résumé of the history and merits of the question, and from the citations he adduced. (Pp. 106-109, 167-169, 184-185, 187-190.)

It was contended by Great Britain and conceded by the United States that all those fisheries, both within and without the line of territorial jurisdiction, were previous to the Revolutionary War, the exclusive property of Great Britain, as an appurtenant to its territory. On this point there was no dispute, although the fisheries in question extended in the open sea almost five degrees of latitude from the coast, and along the whole northern coast of New England, Nova Scotia, the Gulf of St. Lawrence, and Labrador.¹

Upon this view, entertained by both nations and by all the eminent diplomatists and statesmen who participated in making or discussing these treaties, the contention turned upon the true construction of the grant of fishing rights contained in the treaty of 1783. It was claimed by the British Government that this was a pure grant of rights belonging exclusively to Great Britain, and to which the Americans could have no claim, except so far as they were conferred by treaty. It was contended on the other side, that the Americans, being British subjects up to the time of the Revolutionary War, entitled and accustomed as such to share in these fisheries, the acquisition of which from France had been largely due to their valour and exertions, their right to participate in them was not lost by the Revolution, nor by the change of government which it brought about, when consummated by the treaty of 1783. And that the provisions of that treaty on the subject were to be construed, not as a grant of a new right, but as a recognition of the American title still to participate in a property that before the war was common to both countries. Which side of this contention was right, it is quite foreign to the present purpose to consider. It is enough to

¹For full quotations from Mr. Adams, see Appendix, *infra*, pp. 187-189.

perceive that it never occurred to the United States Government or its eminent representatives to claim, far less to the British Government to concede, nor to any diplomatist or writer, either in 1783 or 1815, to conceive, that these fisheries, extending far beyond and outside of any limit of territorial jurisdiction over the sea that ever was asserted there or elsewhere, were the general property of mankind, or that a participation in them was a part of the liberty of the open sea. If that proposition could have been maintained, the right of the Americans would have been plain and clear. No treaty stipulations would have been necessary at the end of either war. (See also Wharton's Dig. vol. III, pp. 39-48.)

It will be perceived, also, that in the case of these fisheries there was no pretense that an exclusion of the world from participating in them outside the line of the littoral sea was necessary to their preservation, or that such participation would tend to their extinction; though unquestionably it might lead to a diminution of the profits to be derived from them by the inhabitants of the territory to which they appertained.

If the countries now contending were right then in the views entertained by both governments and by all who were concerned for them, in cabinets, diplomacy, Congress, and Parliament, and in the claims then made, conceded and acted upon ever since, the precedent thus established must be decisive between them in the present case. There can not be one international law for the Atlantic and another for the Pacific. If the seals may be treated, like the fish, as only *feræ naturæ*, and not property, if the maintenance of the herd in the Pribilof Islands is only a fishery, how then can the case be distinguished from that of the fisheries of Nova Scotia and Newfoundland? Why would it not be, until conceded away by treaty or thrown open to the world by consent, a proprietary right belonging to the territory to which it appertains, and which the Government has a right to defend?

But the case of the seal industry is far stronger than that of the fisheries in favor of such a right. The great facts of the nature of the animals, their attachment to the land, without which they could not exist, their constant *animus revertendi*, the protection there, in default of which they would perish, and the absolute necessity of excluding outside interference with them, in order to prevent their extinction, not only greatly strengthen the proprietary title, but annex to it the further and unquestionable right of self-defense, in respect to those

interests on shore in which the property is not denied nor open to dispute.

The jurisdiction accorded to nations over the littoral seas is by no means the only instance in which rules of international law, now completely established and universally recognized, and under which the freedom of the sea has been largely abridged, have arisen out of the right and necessity of self-defense, and out of the general principle that to such necessity individual rights and the acquisition of private emoluments upon the ocean must give way.

Some of these rules relate to the interests of nations when engaged in war, and others, like that which concedes the jurisdiction over territorial seas, chiefly to the interests of peace.

The right of self-defense, as affecting nations, is no greater in war than in peace. Certain necessities are sometimes greater in one state than in the other. But in both the measure of the necessity is the measure of the right, and the justifiable means of self-protection are such as the case requires. It is the principle that controls the case, not the case that controls the principle. The state of war only exists between the belligerents, and is only material between them and neutrals, so far as it gives rise to a particular necessity on the part of a belligerent, that would not otherwise arise.

The international law of piracy is an infringement of the right which even a criminal has, to be tried in the jurisdiction where his crime was committed, and if upon the high sea, in the jurisdiction to which his vessel belongs. Such is the rule in respect to every other crime known to the law. But if an American in an American ship commits an act of piracy on the high seas on a British vessel, he may, by the rules of international law, be captured by a French cruiser, taken into a French port, and there tried and executed, if France thinks proper to extend the jurisdiction of her courts to such a case. The reason of this well-settled rule is not found in the character of the crime, which is but robbery and murder at worst, but in the necessity of general defense, in which all sea-going nations have a like interest and therefore a like right to intervene, without waiting for the tardy or uncertain action of others.

The slave trade is an offense for which the sea is not free, though not yet regarded in international law as piracy, because there are still countries where slavery is legalized. But there is no question that a nation whose laws prohibit slavery may capture on the high sea any vessel laden with slaves intended to be landed on her coast, or any ves-

sel sailing for the purpose of prosecuting the slave trade on her shores. Nor is there any doubt that so soon as the abolition of slavery becomes universal, international law will sanction dealing with a slaver as with a pirate, and for the same reason of general self-defense.

Nor is the sea free to any vessel whatever, not carrying the flag of some country, and shown by its papers to be entitled to carry that flag; and the armed vessel of any nation may capture a vessel not so protected. Sailing independently of any particular nationality is harmless in itself, and may be consistent with entire innocence of conduct. But if allowed, it might offer a convenient shelter for many wrongs, and it is therefore prohibited by the law of nations.

Innocent trade may also be prohibited by any nation between other nations and its colonies, for reasons of policy. Such restrictions have been frequent, and their propriety has never been questioned. That a vessel engaged in such prohibited trade may be captured on the high seas and condemned, is shown by the case of *Church v. Hubbart*, and other authorities above cited.

These are instances of the exercise upon the sea of the general right of self-protection, for the common benefit of nations, irrespective of the particular necessity of any one country. In most cases, restrictions imposed upon the freedom of the sea arise out of some particular national necessity.

Thus it is well settled, that any vessel guilty of an infraction of a revenue or other law within the territorial waters of a nation, may be pursued and captured on the high seas; because, otherwise, such laws, devised for the protection of the national interests, might fail of being adequately enforced.

Upon this principle also, was based the British act putting restrictions upon the passage of a vessel on the high sea, approaching Great Britain from a port where infectious disease was raging. Quarantine and health regulations are usually enforced within the jurisdictional limit, and so confined, are in ordinary cases sufficient for their purpose. But when in a particular case they are insufficient, and the necessity of protecting the country from incursion of dangerous disease requires it, no right of freedom of the sea stands in the way of putting proper restrictions on the approach of vessels, at any distance from the shore that may be found requisite. (6 Geo. IV, chap. 78.)

The very grave, and often, to innocent individuals, ruinous restraints upon neutral trade for the interest of belligerents, the validity of which has long been established in international law, afford a strong example of

the application of the same principle. If a port is blockaded, no neutral ship can enter it for any purpose whatever, even for the continuance of a regular and legitimate commerce established before the war began. And such ship is not only prevented from entering the port, on pain of capture and confiscation of vessel and cargo, but is liable to be captured anywhere upon the high seas and condemned, if it can be shown either that the voyage is intended for a breach of the blockade, or that such breach has actually taken place. And, though such is not the general rule, it is shown by the decision of Lord Stowell, before cited, that if the necessities of a successful prosecution of the war require it, a belligerent may even interdict neutral commerce with ports not blockaded. Admitted by that great judge that such a measure is unusual, harsh, and distressing, and not to be resorted to without necessity, it is nevertheless held to be justifiable when the necessity does actually arise, though that necessity is only for the more effectual prosecution of a war.

The same rule applies to the conveyance by a neutral to a belligerent port, of freight which is contraband of war, though such freight may not be designed to be in aid of the war, but may be only the continuance of a just and regular commerce, before established. And a vessel may be captured anywhere on the high seas if found to be engaged in that business.

And so if a neutral vessel is engaged in the conveyance of belligerent dispatches or of passengers belonging to the military or naval service of a belligerent, though the vessel so employed may be a regular passenger ship on its accustomed route as a common carrier.

Hostile freight on a neutral ship has long been held liable to capture. If the rule that the flag covers the cargo may now be said to be established, it is of comparatively recent origin.

Upon the same principle has been maintained the right of visitation and search, as against every private vessel on the high seas, by the armed ships of any other nationality. Though this vexatious and injurious claim has been much questioned, it is firmly established in time of war, at least, as against all neutrals. Says Sir William Scott, in the case of *Le Louis* (2 Dodson, 244):

This right (of search), incommodious as its exercise may occasionally be, * * * has been fully established in the legal practice of nations, having for its foundation the necessities of self-defense.¹

¹ Says Mr. Twiss (*Rights and Duties of Nations in Time of War*, ed. 1863, p. 176): "The right of visiting and searching merchant ships on the high seas, observes

It has been said that the right of search is confined to a time of war. That assertion proceeds upon the ground that only in time of war can the necessity for it arise. No one has ever claimed that the right should be denied in time of peace, if an equal necessity for it exists. And when such necessity has been regarded as existing, the right has been asserted. Prior to the war of 1812, between the United States and Great Britain, the latter country claimed the right in time of peace to search American ships on the high seas for British subjects serving as seamen. Though the war grew out of this claim, it was not relinquished by Great Britain when a treaty of peace was made. It has been disused, but never abandoned. The objection to it on the part of the United States was the obvious one that it was founded upon no just necessity or propriety. Had it been a measure in any reasonable sense necessary to self-defense on the part of Great Britain, its claim would have rested on a very different foundation, and would have been supported by the analogy of all similar cases. The right of search is exercised without question as against private vessels suspected of being engaged in the slave trade. And it is very apparent, that as the increasing exigencies of international intercourse of all kinds render it necessary, the principle that allows it in time of war will be found sufficient to allow it in time of peace. The rule, as has been seen, grows out of necessity alone, and must therefore extend with the necessity.

Lord Aberdeen, in a letter of 20th of December, 1841, to Mr. Everett, American minister (British and Foreign State Papers, vol. 30, p. 1177), claims the right of visitation of vessels on high seas in time of peace, far enough at least to ascertain their nationality. And in his dispatch to Mr. Fox, says:

Lord Stowell in the well-known case of the Swedish convoy, whatever be the ships, whatever be the cargoes, whatever be the destinations, is an incontestable right of the lawfully commissioned ship of a belligerent nation; because, till they are visited and searched, it does not appear what the ships, or the cargoes, or the destinations are; and it is for the purpose of ascertaining these points that the necessity of this right of visitation and search exists."

Every vessel is bound to submit to visitation and search, whether it be the vessel of a friend or of an ally or even of a subject; and submission may be compelled, if necessary, by force of arms, without giving claim for any damage incurred thereby, if the vessel upon visitation should be found not liable to be detained. * * * If the vessel be neutral, a belligerent is entitled to ascertain whether there is a contraband of war or enemy's dispatches or military or naval officers of the enemy on board.

"If the master of a neutral vessel resists by force (the right of search) that is a ground of confiscation, and consequently of capture." (Wildman's Rights of Vessels, chap. 2, p. 6.)

That it (the British Government) still maintains, and would exercise when necessary its own right to ascertain the genuineness of any flag which a suspected vessel might bear; that if in the exercise of this right, either from involuntary error or in spite of every precaution, loss or injury should be sustained, a prompt reparation would be afforded; but that it should entertain for a single instant the notion of abandoning the right itself would be quite impossible. (Webster's Works, vol. 6, p. 334.)

Mr. Webster disputes this right, but has to admit that it does exist when specially necessary. He says:

That there is no right to visit in time of peace *except* in the execution of revenue laws or other municipal regulations, in which cases the right is usually exercised near the coast or within the marine league, or where the vessel is justly suspected of violating the law of nations by piratical aggression; but, wherever exercised, it is a right of search. (Webster's Works, vol. VI, p. 336.)

The principle that thus subordinates private right to national necessity, is well stated by Mr. Manning (Int. Law, chap. 3, p. 252):

The greatest liberty which law should allow in civil government, is the power of doing everything that does not injure any other person, and the greatest liberty which justice among nations demands, is that every state may do anything that does not injure another state with which it is at amity. The freedom of commerce and the rights of war, both undoubted as long as no injustice results from them, become questionable as soon as their exercise is grievously injurious to any independent state, but the great difference of the interest concerned makes the trivial nature of the restriction that can justly be placed upon neutrals appear inconsiderable, when balanced against the magnitude of the national enterprises which unrestricted neutral trade might compromise. That some interference is justifiable, will be obvious on the consideration that if a neutral had the power of unrestricted commerce, he might carry to a port blockaded and on the point of surrendering, provisions which should enable it to hold out and so change the whole issue of a war; and thus the vital interests of a nation might be sacrificed to augment the riches of a single individual.

Azuni carries the principle still further, and holds that even national rights should yield to the rights of another nation, when the consequences to the latter are the more important. He remarks (part II, chap. III, art. 2, sec. 4, p. 178):

When the perfect right of one nation clashes with the perfect right of another, reason, justice, and humanity require that in such case the one that will experience the least damage should yield to the other.

And Paley, in a striking passage, applies the same principle even to the obligation to observe treaties, one of the highest obligations known to international law. (Moral Philosophy, book 6, chap. 12.)

When the adherence to a public treaty would enslave a whole people, would block up seas, rivers or harbors, depopulate cities, condemn fertile regions to eternal desolation, cut off a country from its sources of provision or deprive it of those commercial advantages to which its climate, productions, or commercial situation naturally entitle it, the magnitude of the particular evil induces us to call in question the obligation of the general rule. Moral philosophy furnishes no precise solution to these doubts. * * * She confesses that the obligation of every law depends upon its ultimate utility; that this utility having a finite and determinate value, situations may be feigned and consequently may possibly arise, in which the general tendency is outweighed by the enormity of the particular mischief.

In all these cases of restrictions upon private rights on the high seas, familiar and well settled, the principle upon which they rest is the same, the subordination of individual interest to that of a nation, when necessity requires it. Upon no other ground could they be defended. Grotius, speaking of neutral trade in articles not usually contraband of war, but used indiscriminately in war and peace, such as money, provisions, etc., says (book III, ch. 1, sec. 5):

For, if I can not defend myself without seizing articles of this nature which are being sent to my enemy, necessity gives me the right to seize them, as we have already explained elsewhere, under the obligation of restoring them unless there be some other reason supervening to prevent me.

Mr. Wheaton, commenting upon this opinion of Grotius, points out that it is placed by that author entirely upon the ground of the right of self-defense, under the necessities of a particular case; that Grotius does not claim that the transportation of such property is illegal in itself, or exposes the vessel carrying it to capture; but that necessity nevertheless justifies in the case in which it actually arises, the seizure of the vessel as a measure of self-defense. And he shows by further reference that it was the opinion of Grotius that a necessity of that sort exempts a case from all general rules. (Law of Nations, p. 128.)

Mr. Manning (p. 263) thus defines the rights of belligerents as against neutral commerce:

"It consists merely in preventing vessels from interfering with the rights of belligerents, and seeking their own emolument at the direct expense of one party in the contest."

And Azuni (part 2, chap. II, art. 2, sec. 14, p. 91) remarks:

"The truth of this theory (right of neutral trade) does not, however, deprive belligerents of the right of stopping the commerce of neutrals with the enemy, when they deem it necessary for their own defense."

The illustrations thus cited are cases of such common and frequent occurrence, that the rules which control them have become exactly formulated by courts of justice, as well as by writers on the subject, and have passed by common consent and usage into the domain of settled international law.

But many instances have occurred in the history of nations, exceptional in their character and not provided for under any general rule, where a similar necessity to that which dictated those rules has required an analogous act of self-defense by a nation, in some particular case. And such protection has been extended, through both legislative and executive action, by the governments affected. Some of these instances may be usefully referred to, since they are in complete analogy to the present case, except that, both in respect to the necessity that prompted them and the importance of the injury sought to be restrained, they all fall far short of the exigency here under consideration.

In the valuable pearl fisheries of Ceylon, the British authorities have long excluded all other nations from participation in or interference with them, though these fisheries extend into the open sea for a distance varying from 6 to 20 miles from the shore.

A regulation was enacted by the local British authorities, of March 9, 1811, authorizing the seizure and forfeiture of any vessel found hovering on the pearl banks on the west coast of Ceylon, on water of between 4 and 12 fathoms, the same being an area of the open sea extending 90 miles up and down the coast and of variable width, but distant *about 20 marine miles* from the coast at the farthest point. This regulation is still in force. (Regulations No. 3, of 1811, for the protection of Her Majesty's pearl banks of Ceylon).

An ordinance issued in 1842 prohibited the use of any dredge for fishing within the limits of the pearl banks, on pain of forfeiture and imprisonment.

The ordinance of November 30, 1843, prohibited the possession or use of nets, dredges, and other instruments such as might be prejudicial to the Government pearl banks, *within 12 miles* of any part of the shore lying between two designated points. The penalties annexed were forfeiture and imprisonment. Suspected persons might be searched. This regulation is still in force. (No. 18, 1843, an ordinance to declare illegal the possession of certain nets and instruments within certain limits.)

The ordinance of November 18, 1890, prohibited all persons from

fishing for chanks, bêches-de-mer, corals, or shells within an area lying inside of a straight line drawn up and down the coast, the ends being distant *6 miles from shore*, and the most remote point being distant over *20 miles from shore*. Forfeiture, fine, and imprisonment were the penalties prescribed. This regulation is still in force. (No. 18, 1890, an ordinance relating to chanks.) (For copies of these acts, see Case of the United States, App., Vol. I, p. 461.)

An act passed in 1888 by the federal council of Australia extended (with respect to British vessels) the local regulations of Queensland on the subject of the pearl fisheries to an area of open sea off the coast of Australia, varying in width from *12 to 250 marine miles*. Fines, seizures, and forfeitures were the penalties prescribed. (51 Vict., No. 1.)

An act passed in 1889 by the federal council of Australia extended (with respect to British vessels) the local regulations of western Australia on the subject of the pearl fisheries to an area of open sea off the northwestern coast of Australia lying within a parallelogram of which the northwestern corner is *500 marine miles* from the coast. (52 Vict., 4th Feb., 1889, Case of the United States, App., Vol. I, p. 468.)

Similar restrictions upon the pearl fisheries in the open sea have been likewise interposed by the Government of Colombia.

A decree by the governor of Panama in the United States of Colombia, in 1890, prohibited the use of diving machines for the collection of pearls within a section of the Gulf of Panama, which is between *60 and 70 marine miles* in width, and of which the most remote point is *30 marine miles* from the main land. (Gaceta de Panama, February 6, 1890, Case of the United States, App., Vol. I, p. 485.)

Legislation of the same character has also taken place in France and Italy in reference to coral reefs in the open sea and outside the jurisdictional limits.

The French law of 1864 relating to the coral fisheries of Algeria and Tunis required all fishermen to take out licenses to fish anywhere on the coral banks, which extend into the Mediterranean *7 miles* from shore. In addition to this license all foreign fishermen were required to take out patents from the Government, for which a considerable sum had to be paid; and by the recent act of 1888, foreign fishermen are precluded entirely from fishing within *3 miles* from shore, apparently leaving the former regulations in force with respect to such portions of the coral banks as lie outside of those limits. (Journal Officiel, March 2, 1888), (Case of the United States, App., Vol. I, p. 469.)

By a law enacted in Italy in 1877, and a decree issued in 1892, licenses are required of all vessels operating on the coral banks lying off the coast of Sardinia, at distances which vary from *3 to 15 miles* from land.

Under the regulations there prescribed, the discoverer of a new coral bed at any point is entitled to take possession of it, and to identify his discovery by means of a buoy suitably marked, which confers upon him the privilege of working the bank as a private monopoly for two years.

Off the southwestern coast of Sicily there are three coral reefs, situated, respectively, at a distance of *14, 21, and 32 miles* from shore.

The Italian law of 1877 and decree of 1882 extend to these, subject to the modifications introduced by the three following decrees. (Official Pamphlets, No. 3706, series 2 of March 4, 1877; No. 1090, series 3, November 13, 1882.)

The decree of 1877 prohibited all fishing on the nearest of the three banks, viz., that situated 14 miles from shore, and provided that the other two should be divided into sections which should be fished in rotation.

The decree of 1888 prohibited all operations on all three banks until further notice, in order that the coral, which was then almost exhausted, might be given time to renew itself.

The decree of 1892 provided that fishing might begin again under the original regulations after the close of the fishing season of 1893. (Case of the United States, App., Vol. I, p. 470).

Oyster beds in the open sea have been made the subject of similar legislation in Great Britain.

A section of the British "Sea Fisheries Act," 1868, conferred upon the Crown the right by orders in council to restrict and regulate dredging for oysters on any oyster bed within *twenty* miles of a straight line drawn between two specified points on the coast of Ireland, "outside of the exclusive fishery limits of the British Isles." The act extends to all boats specified in the order, whether British or foreign (31 and 32 Vict., ch. 45, sec. 67; Case of the United States, App., Vol. I, p. 457).

The same as to herring fisheries: "*The Herring Fishery (Scotland) Act, 1889*" conferred authority upon the Fishery Board of Scotland, to prohibit certain modes of fishing known as beam trawling and other trawling, within an area of the open sea on the northeastern coast of Scotland over 2,000 square miles in extent, of which the most remote point is about *30 marine miles* from land (52 and 53 Vict., ch. 23, secs. 6, 7; Case of the United States, App., Vol. I, p. 458).
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The taking of seal, in whatever country they have been found, has been in an especial manner the subject of legislative and governmental regulation and restriction in the open sea. And in such actions Great Britain and Canada have been conspicuous.

By an act of the British Parliament passed in 1863, the colony of New Zealand was made coextensive with the area of land and sea bounded by the following parallels of latitude and longitude, viz., 33° S., 53° S.; 162° E., 175° W. The southeastern corner of this parallelogram is situated in the Pacific Ocean over 700 miles from the coast of New Zealand (26 and 27 Vict., ch. 23, sec. 2).

In 1878 the legislature of New Zealand passed an act to protect the seal fisheries of the colony, which provides:

(1) For the establishment of an annual close season for seals, to last from October 1 to June 1.

(2) That the governor of New Zealand might, by orders in council, extend or vary this close season *as to the whole colony or any part thereof*, for three years or less, and before the expiration of such assigned period extend the close season for another three years. (See Fish Protection Act, 1878, 42 Vict., No. 43.)

Under the authority of this statute, a continuous close season was enforced by successive orders in council, from November 1, 1881, until December 31, 1889. These extreme measures were deemed necessary in order to prevent the complete extermination of the seals at an early date. (See Reports of Department of Marine of New Zealand for the years 1882, 1885, 1886-'87, 1887-'88, 1889-'90. Also the Report of the U. S. Fish Commission.)

Another act, passed in 1884, conferred additional authority upon the governor in council to make such special, limited, and temporary regulations concerning close seasons "as may be suitable *for the whole or any part or parts of this colony, etc.*" All seals or other fish taken in violation of such orders were to be forfeited with the implements used in taking them. (The Fisheries Conservative Act, 1884, 47 Vict., No. 48.)

A third act, even more stringent in its terms, was passed in 1887, which provided:

(1) That the *mere possession* of a seal by any person during a close season should be proof, in the absence of satisfactory evidence to the contrary, that it had been *illegally taken*.

(2) That all vessels taking or containing seals at such times should be forfeited to the Crown.

(3) That the commander of any public vessel might seize, search, and take any vessel so offending anywhere "within the jurisdiction of the government of the colony of New Zealand."

In other words, authority was conferred by these acts to seize vessels for illegally taking seals over an area of the open sea extending at the furthest point *700 miles* from the coast; and the government of New Zealand has since kept a cruiser actively employed in enforcing these regulations. (The Fisheries Conservative Act, 1887, 51 Vict., No. 27; Rep. of U. S. Fish Com.; Case of the United States, App., Vol. I, p. 440.)

An ordinance of the Falkland Islands, passed in 1881, established a close season for the islands and the surrounding waters, from October to April in each year. Two of the islands lie 28 miles apart, and this regulation is enforced in the open sea lying between them. (Rep. of U. S. Fish Com.; affidavit of Capt. Buddington; Case of the United States, App., Vol. I, p. 435.)

The Newfoundland Seal Fishery Act, 1892, passed in April of that year by the legislature of that country, provides:

(1) That no seals shall be killed in the seal-fishing grounds lying off the island at any period of the year, except between March 14 and April 20, inclusive, and that no seal so caught shall be brought within the limits of the colony, under a penalty of \$4,000 in either instance.

(2) That no steamer shall leave any port of the colony for the seal fisheries before six o'clock a. m. on March 12, under a penalty of \$5,000.

(3) That no steamer shall proceed to the seal fisheries a second time in any one year, unless obliged to return to port by accident.

This act extends and enlarges the scope of a previous act, dated February 22, 1879, which contained similar provisions, but with smaller penalties, and also the provision which is still in force, that no seal shall be caught of less weight than 28 pounds. (55 Vict., Case of the United States, App., Vol. I, p. 442.)

The seal fisheries of Greenland were the subject of concurrent legislation in 1875, 1876, and 1877 by England, Norway, Sweden, Denmark, and Netherlands, which prohibits all fishing for seals by the inhabitants of those countries before April 3 in any year, within an area of the open sea bounded by the following parallels of latitude and longitude, viz, 67° N., 75° N., 5° E., 17° W. (British and Foreign State Papers, vol. LXX, pp. 367, 368, 513; vol. LXXXIII, pp. 282, 283, 708. "The Seal Fishery Act, 1875," 38 Vict., cap. 18.)

Under the law of Uruguay the killing of seals on the Lobos and

other islands "in that part of the ocean adjacent to the departments of Maldonado and Rocha" is secured to contractors, who pay to the Government a license fee and duty. (Acts of July 23, 1857, and June 28, 1858, Caraira, vol. I, pp. 440 and 448, Digest of Laws. Appendix to the Case of the United States, Vol. I, p. 448.)

By the law of Russia, the whole business of the pursuit of seals in the White Sea and Caspian Sea, both as to time and manner, is regulated, and all killing of the seals except in pursuance of such regulations is prohibited. (Code of Russian Laws Covering Rural Industries, vol. XII, part II. Appendix to the Case of the United States, Vol. I, p. 445.)

The firm and resolute recent action of the Russian Government in prohibiting in the open sea, near the Commander Islands, the same depredations upon the seal herd that are complained of by the United States in the present case, and in capturing the Canadian vessels engaged in it, is well known and will be universally approved. That Great Britain, strong and fearless to defend her rights in every quarter of the globe, will send a fleet into those waters to mount guard over the extermination of the Russian seals by the slaughter of pregnant and nursing females, is not to be reasonably expected. The world will see no war between Great Britain and Russia on that score.

The "hovering acts" of the British Parliament and of the American Congress have already been mentioned. These hovering acts were enacted in England in 1736 and in the United States in 1799, and prohibited the transhipment of goods at sea within *4 leagues or 12 miles* of the coast. Fine and forfeiture were the prescribed penalties.

The English act prohibited any foreign vessel having on board tea or spirits from "hovering" within *2 leagues or 6 miles* of the coast.

The American act authorized the officers of revenue cutters to board, search, examine, and remain on board of all incoming vessels, domestic or foreign, when within *4 leagues or 12 miles* of the coast. (9 Geo. II, ch. 35; U. S. Rev. Stat., secs. 2760, 2867, 2868; Case of the United States, App., Vol. I, p. 493.)

The French legislation, which is in effect similar to the English and American hovering acts, has also been before alluded to.¹

The British act in reference to vessels clearing from infected ports has also been referred to, which required all vessels coming from plague-

¹ For the substance of these acts, as stated by M. Cresp, see Appendix, *infra*, page 189.

stricken places to make signals on meeting other ships, *4 leagues* from coast. (26 Geo. II, Ch. —.)

Another act establishes 2 leagues from the coast as the distance within which ships are amenable to the British quarantine regulations. (6 Geo. IV, ch. 78.)

Another act of the British Parliament affords a conspicuous instance of a control exercised over the high sea, for a long distance outside the utmost boundary of a littoral sea, as a means of a defense against a special danger then thought to exist. It was passed and enforced for the purpose of preventing the escape of the Emperor Napoleon when confined on the island of St. Helena.

This act authorized the seizure and condemnation of all vessels found hovering within *8 leagues or 24 miles* of the coast of St. Helena during the captivity of Napoleon Bonaparte on the island, reserving to ships owned exclusively by foreigners the privilege of first being warned to depart before they could legally be seized and condemned. (56 Geo. III, ch. 23; Case of the United States, App., vol. 1, p. 495.)

A still more extensive and very recent assumption of dominion over the sea for defensive and fiscal purposes, is to be found in an act passed by the legislature of Queensland on June 24, 1879, which annexed to that country all the islands lying off the northeastern coast of Australia, within a defined limit, which, at its furthest point, extends 250 miles out to sea.

The boundary thus adopted includes nearly the whole of Torres Strait, a body of water 60 miles in width, separating Australia from New Guinea, and forming the connecting link between the Pacific and Indian oceans.

Under the authority of this Annexation Act, the Government of Queensland has exercised complete police jurisdiction over the Strait, has suppressed the traffic in liquor in the objectionable form in which it formerly prevailed, and has derived from the traffic as since restricted, a large revenue through the medium of customs duties. (43 Vict., ch. 1. Rep. U. S. Fish Com. See "Gold-Gems and Pearls in Ceylon and Southern India," by A. M. & I., 1888, p. 296.) (Case of the United States, App. Vol. I, p. 467.)

An effort is made in the British counter case to diminish the force of the various statutes, regulations and decrees above cited, by the suggestions that they only take effect within the municipal jurisdiction of the countries where they are promulgated, and upon the citizens of

those countries outside the territorial limits of such jurisdiction. In their strictly legal character as statutes, this is true. No authority need have been produced on that point. But the distinction has already been pointed out, which attends the operation of such enactments for such purposes. Within the territory where they prevail, and upon its subjects, they are binding as statutes, whether reasonable and necessary or not. Without, they become defensive regulations, which if they are reasonable and necessary for the defense of a national interest or right, will be submitted to by other nations, and if not, may be enforced by the government at its discretion.

Otherwise their effect would be to exclude the citizens of the country in which they are enacted from a use of the marine products it is seeking to defend, which is left open to the inhabitants of all other countries, thus leaving those products to be destroyed, but excluding their own people from sharing in the profits to be made out of the destruction. Will it be contended that such is the result that is either contemplated or allowed to take place by the governments which have found it necessary to adopt such restrictions?

It would be much more to the purpose if it could be shown either that any nation had ever protested against or challenged the validity of any of these regulations outside the territorial line, or that any individual had ever been permitted to transgress there with impunity. In the case of any of the statutes of Great Britain and her colonies that have been referred to, if any enterprising poacher, armed with an attorney and a battery of authorities on the subject of the extent of statute jurisdiction, should attempt the extermination or even the injury of the protected products, in defiance of the regulations prescribed, he would speedily ascertain, without the assistance of an international arbitration, that he had made a mistake, and that to succeed in his undertaking he would need to be backed up by a fleet too strong for Great Britain to resist.

In the light of this accumulation of authority and precedent, drawn from every source through which the sanction of international law can be derived or the general assent of mankind expressed, what more need be said in elucidation of the grounds upon which this branch of the case of the United States reposes? Have we not clearly established the proposition, that the dominion over the sea, once maintained by maritime nations, has been surrendered only so far as to permit such private use as is neither temporarily nor permanently injurious to the

important and just interests of those nations, and that as against such injury, however occasioned, the right of defense has always been preserved, and has always been asserted on the high sea, and even upon foreign territory. It will be seen, we respectfully submit, that this case presents nothing new, except the particular circumstances of the application of an universal and necessary principle to an exigency that has not arisen in this precise form before.

The steadfast advance which the law of nations has made, from the days of its rudiments to the present time, and which still must continue to be made through all time, has been and must always be by the process of analogy, in the application of fundamental principles, from which the rules of all new cases as they successively and constantly arise must be deduced. Neither this nor any other system of human law can stand still, for it must perish unless it keeps pace with the vicissitudes of society, and meets adequately all the new emergencies and requirements which they from time to time produce. Law has its roots in the past, but its efficacy must take place in the present. Says Mr. Phillimore (*Int. Law*, vol. 1, sec. 39):

Analogy has great influence in the decision of international as well as municipal tribunals; that is to say, the application of the principle of a rule which has been adopted in certain former cases, to govern others of a similar character as yet undetermined.

Analogy is the instrument of the progress and development of the law. (*Bowyer's Readings*, p. 88.)

If a precedent arising upon the same facts is not forthcoming, it is only because there is no precedent for the conduct complained of. The same right was never before invaded in the same way. That does not take the case out of the operation of the principle upon which all precedents in analogous incidents depend, and it applies with the same force to every case that arises within its scope. The particular precedent is created when the necessity for it appears. The absence of it when the necessity has never arisen, proves nothing. The only inquiry is whether the case comes within the general rule.

But were it possible to regard the present case as in any respect outside the scope of rules hitherto established, its determination would then be remitted to those broader considerations of moral right and justice which constitute the foundation of international law. It is the application of those cardinal principles that must control every case of new impression that can arise between nations. The law of nations

has no other source than that, except in its conventionalities. Sir R. Phillimore, in *Queen v. Kehn* (*supra*, p. 68), remarks in respect to such a case:

Too rudimental an inquiry must be avoided, but it must be remembered that the case is one of *prima impressionis*, of the greatest importance both to England and to other states, and the character of it in some degree necessitates a reference to first principles. In the memorable answer pronounced by Montesquieu to be *réponse sans réplique*, and framed by Lord Mansfield and Sir George Lee, of the British, to the Prussian Government: "The law of nations is said to be founded upon justice, equity, convenience, and the reason of the thing, and confirmed by long usage."

Chancellor Kent says (1 *Commentaries*, p. 32):

As the end of the law of nations is the happiness and perfection of the general society of mankind, it enjoins upon every nation the punctual observance of benevolence and good will as well as of justice towards its neighbors. This is equally the policy and the duty of nations. * * * (p. 181). The law of nations is placed under the protection of public opinion. * * * Its great fundamental principles are founded in the maxims of eternal truth, in the immutable law of moral obligation, and in the suggestions of enlightened public interest.¹

Many authorities on this point have been presented in a former branch of this argument. They might be multiplied to an indefinite extent, as well from continental as from English and American writers and judges. But apology should rather be offered for citing any authority at all, upon a proposition so fundamental and so obvious.

It is with the greatest respect submitted, and in our judgment it

¹ Says Judge Story (Con. of Laws, sec. 3): "In resting on the basis of general convenience and the enlarged sense of national duty, rules have from time to time been promulgated by jurists and supported by courts of justice by a course of judicial reasoning which has commanded almost universal confidence, respect, and obedience, without the aid either of municipal statutes or of royal ordinances, or of international treaties."

Mr. Twiss (Int. Law, part 1, sec. 86), divides the sources of law of nations as follows: "The natural or necessary law of nations, in which the principles of natural justice are applied to the intercourse between states; secondly, customary law of nations which embodies those usages which the continued habit of nations has sanctioned for their mutual interest and convenience, and thirdly, the *conventional* or *diplomatic* law of nations. * * * Under this last head many regulations will now be found which at first resulted from custom or a general sense of justice."

Mr. Amos, in his note to Manning (book 2, chap. 1, p. 85) remarks: "Though the customary usages of states in their mutual intercourse must always be held to afford evidence of implied assent, and to continue to be a mean basis of a structure of the law of nations, yet there are several circumstances in modern society which seem to indicate that the region of the influence will become increasingly restricted as compared with that of the influence of well-ascertained ethical principles and formal convention."

can not be too clearly kept in view, that the duty requested of this High Tribunal is not the discussion of abstract theories, nor the establishment of propositions applicable to cases not before it, nor the determination of diplomatic controversies that have long ceased to be material. The question, and the only question to be decided, is whether the owners of the Canadian vessels engaged in the destruction of the seals in Bering Sea, have an indefeasible right as against the Government of the United States, upon the circumstances of this case, to continue such destruction, at the times, in the places, in the manner, and with the consequences shown by the evidence. That question is neither technical nor scholastic, nor does it depend upon finespun reasoning or recdite learning. It is to be regarded in the large and fair-minded view which accords with the dignity of the parties to this controyersy, the character of the Tribuual to which they have submitted it, and a just deference to that opinion of civilized mankind which is the ultimate criterion of international law, and the final arbitrator in all international disputes. Surveyed in this light, upon its just and actual facts, and looking at it as it stands apparent to the world, what are its proposals, when fairly and simply stated? Let the leading facts before stated, be recapitulated.

Here is a herd of amphibious animals, half human in their intelligence, valuable to mankind, almost the last of their species, which from time immemorial have established their home with a constant *animus revertendi* on islands once so remote from the footsteps of man, that these, their only denizens, might reasonably have been expected to be permitted to exist, and to continue the usefulness for which the benefice of the Creator designed them. Upon these islands their young are begotten, brought forth, nurtured during the early months of their lives, the land being absolutely necessary to these processes, and no other land having ever been sought by them, if any other is in fact available, which is gravely to be doubted.

The Russian and United States Governments, successively proprietors of the islands, have by wise and careful supervision cherished and protected this herd, and have built up from its product a permanent business and industry valuable to themselves and to the world, and a large source of public revenue, and which at the same time preserves the animals from extinction, or from any interference inconsistent with the dictates of humanity.

It is now proposed by individual citizens of another country, to lie

in wait for these animals on the adjacent sea during the season of reproduction, and to destroy the pregnant females on their way to the islands, the nursing mothers after delivery while temporarily off the islands in pursuit of food, and thereby the young left there to starve after the mothers have been slaughtered; the unavoidable result being the extermination of the whole race, and the destruction of the valuable interests therein of the United States Government and of mankind; and the only object being the small, uncertain, and temporary profits to be derived while the process of destruction lasts, by the individuals concerned.

And it is this conduct, inhuman and barbarous beyond the power of description, criminal by the laws of the United States and of every civilized country so far as its municipal jurisdiction extends, in respect to any wild animal useful to man or even ministering to his harmless pleasure, that is insisted upon as a part of the sacred right of the freedom of the sea, which no nation can repress or defend against, whatever its necessity. Can anything be added to the statement of this proposition that is necessary to its refutation?

What precedent for it, ever tolerated by any nation of the earth, is produced? From what writer, judge, jurist, or treaty is authority to be derived for the assertion that the high sea is or ever has been free for such conduct as this, or that any such construction was ever before given to the term "freedom of the sea" as to throw it open to the destruction, for the profit of individuals, of valuable national interests of any description whatever? Let those who claim to set up such a right as justified by any known law of nations, produce the authority or the precedent to establish it.

If this proposal were submitted to the enlightened judgment of mankind, if the question of its acceptance were made to depend upon those considerations of justice, morality, humanity, benevolence, and fair dealing that, as we have seen, form the groundwork of international law, and of all usages under it that have become established, it can not be open to doubt what the answer to it must be. There can be but one side to such an inquiry, if ideas of right and wrong, or even of sound policy, are to prevail. To escape that result, some arbitrary and inflexible rule of controlling law must be discovered, against which justice, morality, and fair dealing are powerless. We deny that any such rule forms a part, or can ever be permitted to form a part, of any recognized system of international law.

Many cases may be supposed, each of which, should it arise, would be in its particular facts a new case, in illustration of the proposition for which we contend. Suppose that some method of explosive destruction should be discovered by which vessels on the seas adjacent to the Newfoundland coast outside of the jurisdictional line could, with profit to themselves, destroy all the fish that resort to those coasts, and so put an end to the whole fishing industry upon which their inhabitants so largely depend. Would this be a business that would be held justifiable as a part of the freedom of the sea? although the fish are admitted to be purely *feræ naturæ*, and the general right of fishing in the open sea outside of certain limits is not denied.

An Atlantic cable has been laid between America and Great Britain, the operation of which is important to those countries and to the world. Suppose some method of deep-sea fishing or marine exploration should be invented, profitable to those engaged in it, but which should interrupt the operation of the cable and perhaps endanger its existence. Would those nations be powerless to defend themselves against such consequences, because the act is perpetrated upon the high sea?

Suppose vessels belonging to citizens of one country to be engaged in transporting for hire across the sea to ports of another, emigrants from plague-stricken and infected places, thus carrying into those ports a destructive contagion. If it should be found that measures of defense inside of the three-mile or cannon-shot lines were totally inadequate and ineffectual, would the nation thus assailed be deprived of the power of defending itself against the approach of such vessels, as far outside that line as the actual necessity of the case might require? This question is answered by the acts of the British Parliament before referred to, applicable to just such a case.

If a light-house were erected by a nation in waters outside of the 3-mile line, for the benefit of its own commerce and that of the world, if some pursuit for gain on the adjacent high sea should be discovered which would obscure the light or endanger the light-house or the lives of its inmates, would that government be defenseless? Lord Chief Justice Cockburn answers this inquiry in the case of *Queen v. Kehn* above cited (p. 198) when he declares that such encroachments upon the high sea would form a part of the defense of a country, and "come within the principle that a nation may do what is necessary for the protection of its own territory."

In any of these cases, would it be necessary for the nation assailed

to supplicate the government to which its assailants belonged, to prevent the mischief complained of, as a matter of voluntary comity, and if such application were disregarded, to submit! The whole history of the maritime world, and of Great Britain above all other countries is to the contrary. So far from individual rights on the sea of such a mischievous and injurious character having become recognized and established by the assent of mankind, so as to be regarded as justified by the international law that results from such an assent, the judgment and the conduct of nations have been altogether the other way, and necessarily must always be the other way if they are to protect themselves, their interests, and their people from destruction.

It will be seen from the correspondence between the governments of Great Britain and the United States, printed in the Appendix to the Case of the United States, that a convention between the two countries was virtually agreed upon as early as 1887, with the full concurrence of Russia, under which pelagic sealing in Behring Sea would have been prohibited between April 15 and October 1 or November 1 in each year, and that the consummation of this agreement was only prevented by the refusal of the Canadian Government to assent to it. The propriety and necessity of such a repression was not doubted, either by the United States, Great Britain, or Russia. This convention, if completed, would have fallen far short both of the just right and the necessity of the United States in respect to the protection of the seals, as is now made apparent in the light of the much larger knowledge of the subject which has since been obtained. Still, it would have been a step toward the desired end.

When it became apparent that Great Britain would be unable to consummate the proposed agreement, and that no restraint would be put by Her Majesty's Government on the depredations of its colonists complained of, if the United States Government had then taken the course which has since been pursued by the Government of Russia in respect to the seals on the Commander Islands, and refused to permit further slaughter of the seals in Bering Sea during the breeding time, what is it reasonable to believe would have been the judgment of the civilized world, as to the justice and propriety of the position thus assumed? Would not such action have been approved and acquiesced in by all nations, as it has been shown that similar action by many countries in all similar cases that have arisen has been approved and acquiesced in? And if it can be supposed, as it certainly can not be

supposed without casting an unwarrantable aspersion upon Her Majesty's Government, that Great Britain would have undertaken to maintain by naval force the Canadian vessels in the conduct in question, how far is it to be believed that she would have been sustained by the general opinion of the world? More especially in view of the claim she has always successfully and justly asserted, of the right to protect all interests of her own against injury by individuals on the high sea for the sake of gain.

And finally, if by the concurrent action of the United States, Great Britain, and Russia, a prohibition of pelagic sealing during the breeding time had been effected, as proposed, would those three powers combined have had a better right to exclude any casual poacher under the flag of some other government from the depredations prohibited, than the United States now has, standing alone? Or would they have been constrained, by the requirements of what is called international law, to occupy the humiliating position of standing idly by, while the interests they had found it necessary to unite in protecting, should be deliberately destroyed for the benefit of a few adventurers, whose methods defied law and disgraced humanity.

What the United States Government would have been justified in doing in self-defense, by the exertion of such reasonable force as might be necessary, is precisely what she has a right to ask in the judgment of this Tribunal. There can not be one system of international law for the world and another for the closet, because the closet does not prescribe the law of nations; it derives it from those principles of right and justice which are adopted as a rule of action by the general assent and approval of mankind.

Instead of taking its defence into its own hands, the Government of the United States has refrained from the exercise of that right, has submitted itself to the judgment of this Tribunal, and has agreed to abide the result. Its controversy is only nominally with Great Britain, whose sentiment and whose interest concur in this matter with those of the United States. It is really with a province of Great Britain, not amenable to her control, with which the United States Government has no diplomatic relations, and can not deal independently. Although the erroneous assumption that the United States claimed the right to make Bering Sea a *mare clausum*, has undoubtedly drawn Her Majesty's Government into a position in this dispute that it might not otherwise have taken.

If by the judgment of this high and distinguished Tribunal the Alaskan seal herd is sentenced to be exterminated, a result which the United States Government has been unable to anticipate, it must submit, because it has so agreed. But it will not the less regret having thus bartered away that plain right of self-defense against unwarranted injury, which no nation strong enough to assert itself has ever surrendered before.

E. J. PHELPS.

APPENDIX TO PART THIRD, DIVISION II (MR. PHELPS'S ARGUMENT).

ADDITIONAL AUTHORITIES ON THE QUESTION ON PROPERTY.

[NOTE 1, PAGE 132. OPINION IN HANNAM *vs.* MOCKETT. (2 BARNWALL AND CRESSWELL, 943.)]

BAGLEY, J. A man's rights are the rights of personal security, personal liberty, and private property. Private property is either property in possession, property in action, or property that an individual has a special right to acquire. The injury in this case does not affect any right of personal security or personal liberty, nor any property in possession or in action, and the question then is whether there is any injury to any property the plaintiff had a special right to acquire.

A man in trade has a right in his fair chances of profit, and he gives up time and capital to acquire it. It is for the good of the public that he should. But, has it ever been held that a man has a right in the chance of obtaining animals *feræ naturæ*, where he is at no expense in enticing them to his premises, and where it may be at least questionable whether they will be of any service to him, and whether, indeed, they will not be a nuisance to the neighborhood? This is not a claim *propter impotentiam* because they are young, *propter solum* because they are on the plaintiff's land, or *propter industriam* because the plaintiff has brought them to the place or reclaimed them, but *propter usum et consuetudinem* of the birds.

They, of their own choice, and without any expenditure or trouble on his part, have a predilection for his trees, and are disposed to resort to them. But, has he a legal right to insist that they shall be permitted to do so? Allow the right as to these birds, and how can it be denied as to all others? In considering a claim of this kind the nature and properties of the birds are not immaterial. The law makes a distinction between animals fitted for food and those which are not; between those which are destructive of private property and those which are not; between those which have received protection by common law or by statute and those which have not.

It is not alleged in this declaration that these rooks were fit for food; and we know in fact that they are not generally so used. So far from being protected by law, they have been looked upon by the legislature as destructive in their nature, and as nuisances to the neighborhood where they are established. Keeble *vs.* Hickeringill (11 East., 574) bears a stronger resemblance to the present than any other case, but it is distinguishable. * * * But in the first place, it is observable that wild fowl are protected by the statute 25 H. 8, c. 11; that they constitute a known article of food; and that a person keeping up a decoy expends money and employs skill in taking that which is of use to the public.

It is a profitable mode of employing his land, and was considered by Lord Holt as a description of trade. That case, therefore, stands on a

different foundation from this. All the other instances which were referred to in the argument on the part of the plaintiff are cases of animals specially protected by acts of Parliament, or which are clearly the subjects of property. Thus hawks, falcons, swans, partridges, pheasants, pigeons, wild ducks, mallards, teals, widgeons, wild geese, black game, red game, bustards, and herons are all recognized by different statutes as entitled to protection, and consequently in the eye of the law are fit to be preserved.

[*KEEBLE vs. HICKERINGILL. HILARY TERM 5 ANNE, HOLT'S REPORTS, p. 17.*]

Action by owner of a decoy pond, frequented by wild fowl, against one who shot off a gun near his pond to the plaintiff's loss, etc.

During the course of the discussion by the judges, Holt, C. J., said: * * * "And the decoys spoil gentlemen's game, yet they are not unlawful, for they bring money into the country. Dove cotes are lawful to keep pigeons.

Powell: The declaration is not good, but this being a special action on the case, it is helped by the verdict. If you frighten pigeons from my dove cote, is not that actionable?

Montague: Yes, for they have *animus revertendi*, and therefore you have property.

In Vol. II, East's Reports, p. 571, is the case of Carrington *vs.* Taylor, which is also a case upon the subject of injury to the owner of a decoy pond. The reporter, in a note to this case, reports at length Keeble *vs.* Hickeringill, which he states "is taken from a copy of Lord C. J. Holt's own MSS. in my possession."

In this report it is said: "Holt, C. J. I am of opinion that this action doth lie. It seems to be new in its instance, but it is not new in the reason or principle of it. * * * And we do know that of long time in the kingdom these artificial contrivances of decoy ponds and decoy ducks have been used for enticing into those ponds wild fowl, in order to be taken for the profit of the owner of the pond, who is at the expense of servants, engines, and other management, whereby the markets of the nation may be furnished; there is great reason to give encouragement thereto; that the people who are so instrumental by their skill and industry so to furnish the markets should reap the benefit and have their action.

[NOTE 1, (PAGE 149). EXTRACT FROM OPINION OF CHIEF JUSTICE MARSHALL IN *CHURCH vs. HUBBART*, 2 CR., 187.]

That the law of nations prohibits the exercise of any act of authority over a vessel in the situation of the *Aurora*, and that this seizure is, on that account, a mere maritime trespass not within the exception, cannot be admitted. To reason from the extent of the protection a nation will afford to foreigners, to the extent of the means it may use for its own security, does not seem to be perfectly correct. It is opposed by principles which are universally acknowledged. The authority of a nation within its own territory is absolute and exclusive. The seizure of a vessel within the range of its cannon by a foreign force is an invasion of that territory, and is a hostile act which it is its duty to repel. But its power to secure itself from injury may certainly be exercised beyond the limits of its territory.

Upon this principle, the right of a belligerent to search a neutral vessel on the high seas for contraband of war is universally admitted,

because the belligerent has a right to prevent the injury done to himself by the assistance intended for his enemy. So, too, a nation has a right to prohibit any commerce with its colonies. Any attempt to violate the laws made to protect this right is an injury to itself which it may prevent, and it has a right to use the means necessary for its prevention. These means do not appear to be limited within any certain marked boundaries, which remain the same at all times and in all situations. If they are such as unnecessarily to vex and harass foreign lawful commerce, foreign nations will resist their exercise. If they are such as are reasonable and necessary to secure their laws from violation, they will be submitted to.

In different seas and on different coasts a wider or more contracted range in which to exercise the vigilance of the Government will be assented to. Thus in the Channel, where a very great part of the commerce to and from all the north of Europe passes through a very narrow sea, the seizure of vessels on suspicion of attempting an illicit trade must necessarily be restricted to very narrow limits; but on the coast of South America, seldom frequented by vessels but for the purpose of illicit trade, the vigilance of the Government may be extended somewhat further, and foreign nations submit to such regulations as are reasonable in themselves and are really necessary to secure that monopoly of colonial commerce, which is claimed by all nations holding distant possessions.

If this right be extended too far, the exercise of it will be resisted. It has occasioned long and frequent contests which have sometimes ended in open war. The English, it will be well recollect, complained of the right claimed by Spain to search their vessels on the high seas, which was carried so far that the Guarda Costas of that nation seized vessels not in the neighborhood of their coasts. This practice was the subject of long and fruitless negotiations, and at length of open war. The right of the Spaniards was supposed to be exercised unreasonably and vexatiously, but it never was contended that it could only be exercised within the range of the cannon from their batteries.

Indeed, the right given to our own revenue cutters to visit vessels four leagues from our coasts is a declaration that in the opinion of the American Government no such principle as that contended for has a real existence. Nothing, then, is to be drawn from the laws of the usages of nations, which gives to this part of the contract before the court the very limited construction which the plaintiff insists on, or which proves that the seizure of the *Aurora* by the Portuguese governor was an act of lawless violence.

[NOTE 1, PAGE 150. OPINION OF JUDGE JOHNSON IN ROSE *vs.* HIMELY, 4 CR. 241.]

I am of opinion that the evidence before us plainly makes out a case of belligerent capture, and though not so, that the capture may be justified, although for the breach of a municipal law. In support of my latter position, both principle and the practice of Great Britain and our own Government may be appealed to. The ocean is the common jurisdiction of all sovereign powers; from which it does not result that their powers upon the ocean exist in a state of suspension or equipoise, but that every power is at liberty upon the ocean to exercise its sovereign right, provided it does not act inconsistent with that general equality of nations which exists upon the ocean.

The seizure of a ship upon the high seas, after she has committed an act of forfeiture within a territory, is not inconsistent with the sover-

sign rights of the nation to which she belongs, because it is the law of reason and the general understanding of nations that the offending individual forfeits his claim to protection, and every nation is the legal avenger of its own wrongs. Within their jurisdictional limits the rights of sovereignty are exclusive; upon the ocean they are concurrent. Whatever the great principle of self-defense in its reasonable and necessary exercise will sanction in an individual in a state of nature, nations may lawfully perform upon the ocean. This principle, as well as most others, may be carried to an unreasonable extent; it may be made the pretence instead of the real ground of aggression, and then it will become a just cause of war. I contend only for its reasonable exercise.

The act of Great Britain of 24 Geo., 3, Chap. 47, is predicated upon these principles. It subjects vessels to seizure which approach with certain cargoes on board within the distance of four leagues of her coast, because it would be difficult, if not impossible, to execute her trade laws if they were suffered to approach nearer in the prosecution of an illicit design; but if they have been within that distance, they are afterwards subject to be seized on the high seas. They have then violated her laws, and have forfeited the protection of their sovereign. The laws of the United States upon the subject of trade appear to have been framed in some measure after the model of the English statutes; and the twenty-ninth section of the act of 1799 expressly authorizes the seizure of a vessel that has within the jurisdiction of the United States committed an act of forfeiture, wherever she may be met with by a revenue cutter, without limiting the distance from the coast.

Se also the act of 1806, for prohibiting the importation of slaves, authorizes a seizure beyond our jurisdictional limits, if the vessel be found with slaves on board, hovering on the coast; a latitude of expression that can only be limited by circumstances, and the discretion of a court, and in case of fresh pursuit would be actually without limitation. Indeed, after passing the jurisdictional limits of a State, a vessel is as much on the high seas as if in the middle of the ocean, and if France could authorize a seizure at the distance of 2 leagues, she could at the distance of 20. * * * Seizure on the high seas for a breach of the right of blockade during the whole return voyage, is universally acquiesced in as reasonable exercise of sovereign power. The principle of blockade has, indeed, in modern times, been pushed to such an extravagant extent as to become a very justifiable cause of war, but still it is admitted to be consistent with the law of nations when confined within the limits of reason and necessity.

[NOTE 1 (PAGE 152). CITATIONS FROM CONTINENTAL WRITERS ON THE SUBJECT OF SELF DEFENSE.]

Every nation may appropriate things, the use of which, if left free and common, would be greatly to its prejudice. This is another reason why maritime powers may extend their domain along the seacoast, as far as it is possible, to defend their rights. * * * It is essential to their security and the welfare of their dominions. (Azuni, Part I, Chap. II, Art. I, Sec. 4, page 185.)

Plocque (*De la Mer et de la Navigation Maritime*, ch. I, pp. 6–8), after discussing the limits of the territorial sea, and pointing out the great divergence of opinion that had existed on that point, remarks:

“Moreover, in custom-house matters, a nation can fix at will the point where its territorial sea ends; the neighboring nations are sup-

posed to be acquainted with these regulations, and are, consequently, obliged to conform thereto. As an example, we will content ourselves with quoting the law of Germinal 4th, year II, Art. 7, Tit. 2: ‘Captains and officers and other functionaries directing the custom-house, or the commercial or naval service, may search all vessels of less than 100 tons burden when lying at anchor or tacking within four leagues from the coast of France, cases of *vis major* excepted. If such vessels have on board any goods whose importation or exportation is prohibited in France, the vessels shall be confiscated as well as their cargoes, and the captains of the vessels shall be required to pay a fine of 500 livres.’”

Says Pradier-Fodéré (*Traité de Droit Internationale*, Vol. II, sec. 633):

“Independently of treaties, the law of each state can determine of its own accord a certain distance on the sea, within which the state can claim to exercise power and jurisdiction, and which constitutes the territorial sea, for it and for those who admit the limitation. This is especially for the surveillance and control of revenues.”

And in a note to this passage he says:

“In effect, in the matter of revenue, a nation can fix its own limits, notwithstanding the termination of the territorial sea. Neighboring nations are held to recognize these rules, and in consequence are considered to conform to them. On this point the French law of the 4th Germinal, year II, can be cited.”

This law fixes two myriameters, or about twelve English miles as the limit within which vessels are subject to inspection to prevent fraud on the revenue.

La Tour (*De la mer territoriale*, page 230), speaking of the extraterritorial effect of the French revenue laws at four leagues from the coast, thus justifies them.

“Is not this an excessive limit to which to extend the territorial sea? No, we assert. At the present day this question will hardly bear discussion, on account of the long range of cannon; and though we should return to the time when that range was less, we should still undertake to justify this extension of the custom-house radius; and for this it is sufficient to invoke the reasons given in matters of sanitary police. It does not involve simply a reciprocal concession of states, or a tacit agreement between them, but it is the exercise of their respective rights. * * *

“The American and English practice allows the seizure, even outside of the ordinary limit of the territorial waters, of vessels violating the custom laws.”

Says M. Calvo (*Le droit international*, sec. 244):

“In order to decide the question in a manner at once rational and practical, it should not be lost sight of at the outset that the state has not over the territorial sea a right of property, but a right of inspection and of jurisdiction in the interest of its own safety, or of the protection of its revenue interests.

“The nature of things demonstrates, then, that the right extends up to that point where its existence justifies itself, and that it ceases when the apprehension of serious danger, practical utility, and the possibility of effectively carrying on definite action cease.

“Maritime states have an incontestable right, however, for the defense of their respective territories against sudden attack, and for the protection of their interests of commerce and of revenues, to establish

an active inspection on their coast and its vicinity, and to adopt all necessary measures for shutting off access to their territory to those whom they may refuse to receive, where they do not conform to established regulations. It is a natural consequence of the general principle, that whatever anyone shall have done in behalf of his self-defense he will be taken to have done rightly.

“Every nation is thus free to establish an inspection and a police over its coasts as it pleases, at least where it has not bound itself by treaties. It can, according to the particular conditions of the coasts and waters, fix the distance correspondingly. A common usage has established a cannon shot as the distance which it is not permitted to overleap, except in the exceptional case, a line which has not alone received the approval of Grotius, Bynkershök, Galiana, and Kluber, but has been confirmed likewise by the laws and treaties of many of the nations.

“Nevertheless we can maintain further with Vattel that the dominion of the state over the neighboring sea extends as far as it is necessary to insure its safety, and as far as it can make its power respected. And we can further regard with Rayneval the distance of the horizon which can be fixed upon the coast as the extreme limit of the measure of surveillance. The line of the cannon shot, which is generally regarded as of common right, presents no invariable base, and the line can be fixed by the laws of each state at least in a provisional way.” (Heffter, Int. Law, Secs. 74–75.)

Bluntschli says: (Int. Law, Book IV, sec. 322).

“The jurisdiction of the neighboring sea does not extend further than the limit judged necessary by the police and the military authorities.”

And section 342:

“Whenever the crew of a ship has committed a crime upon land, or within water included in the territory of another state and is pursued by judicial authorities of such state, the pursuit of the vessel may be continued beyond the waters which are a part of the territory, and even into the open sea.”

And in a note he says:

“This extension is necessary to insure the efficiency of penal justice. It ends with the pursuit.”

Carnazza-Amari (Int. Law, sec. 2, chap. 7, page 60), after citing from M. Calvo the passage quoted above, says:

“Nevertheless states have a right to exact that their security should not be jeopardized by an easy access of foreign vessels menacing their territory; they may see to the collection of duties indispensable to their existence, which are levied upon the national and foreign produce, and which maritime contraband would doubtless lessen if it should not be suppressed. From all these points of view it is necessary to grant to each nation the right of inspection over the sea which washes its coasts, within the limits required for its security, its tranquillity, and the protection of its wealth. * * * States are obliged, in the interest of their defense and their existence, to subject to their authority the sea bordering the coast as far as they are able, or as far as there is need, to maintain their dominion by force of arms. * * *

"It is necessary to concede to every nation a right of surveillance over the bordering sea within the limits which its security, its tranquillity, and its wealth demand. * * * Balde and other authorities place the line at 60 miles from the shore. Gryphiander and Pacuinez, at 100. Locennius, at a point from which a ship can sail in two days. Bynkershöck maintains that the territorial sea extends as far as the power of artillery. This limit is regarded as the correct one, not because it is founded on force, but because it is the limit necessary for the safety of the state."

[NOTE 1, PAGE 153. THE CAROLINE CASE.]

Mr. Webster said, addressing the British Government:

"Under those circumstances, and under those immediately connected with the transaction itself, it will be for Her Majesty's Government to show upon what state of facts and what rules of international law the destruction of the *Caroline* is to be defended. It will be for that Government to show a necessity of self-defense, instant, overwhelming, leaving no choice of means and no moment for deliberation.

"It will be for it to show, also, that the local authorities of Canada, even supposing the necessity of the moment authorized them to enter the territories of the United States at all, did nothing unreasonable or excessive; since the act, justified by the necessity of self-defense, must be limited by that necessity, and kept clearly within it. It must be shown that admonition or remonstrance to the persons on board the *Caroline* was impracticable, or would have been unavailing." (Webster's Works, Vol. VI, page 261.)

Lord Ashburton in his reply says:

"Every consideration, therefore, leads us to set as highly as your Government can possibly do this paramount obligation of reciprocal respect for the independent territory of each. But however strong this duty may be, it is admitted by all writers, by all jurists, by the occasional practice of all nations, not excepting your own, that a strong overpowering necessity may arise when this great principle may and must be suspended. It must be so, for the shortest possible period during the continuance of an admitted overruling necessity, and strictly confined within the narrowest limits imposed by that necessity. Self-defense is the first law of our nature, and it must be recognized by every code which professes to regulate the condition and relations of man. Upon this modification, if I may so call it, of the great general principle, we seem also to be agreed; and on this part of the subject I have done little more than repeat the sentiments, though in less forcible language, admitted and maintained by you in the letter to which you refer me.

"Agreeing, therefore, on the general principle, and on the possible exception to which it is liable, the only question between us is whether this occurrence came within the limits fairly to be assigned to such exceptions; whether, to use your words, there was that necessity of self-defense, instant, overwhelming, leaving no choice of means, which preceded the destruction of the *Caroline* while moored to the shore of the United States. Give me leave, sir, to say, with all possible admiration of your very ingenious discussion of the general principles which are supposed to govern the right and practice of interference by the people of one country in the wars and quarrels of others, that this part of your argument is little applicable to our immediate case. If Great Britain, America, or any other country, suffer their people to fit out

expeditions to take part in distant quarrels, such conduct may, according to the circumstances of each case, be justly matter of complaint, and perhaps these transactions have generally been in late times too much overlooked or connived at.

"But the case we are considering is of a wholly different description, and may be best determined by answering the following question: Supposing a man standing on ground where you have no legal right to follow him, has a weapon long enough to reach you, and is striking you down and endangering your life, how long are you bound to wait for the assistance of the authority having the legal power to relieve you? Or, to bring the facts more immediately home to the case, if cannon are moving and setting up in a battery which can reach you, and are actually destroying life and property by their fire; if you have remonstrated for some time without effect and see no prospect of relief, when begins your right to defend yourself, should you have no other means of doing so than by seizing your assailant on the verge of neutral territory?" (British and Foreign Correspondence for 1841, 1842, Vol. 30, page 196.)

Lord Campbell says of this case in his autobiography (*Life, etc.*, edited by Mrs. Hardcastle, 1881, Vol. 2, p. 118):

"The affair of the *Caroline* was much more difficult. Even Lord Grey told me he thought we were quite wrong in what we had done; but assuming the facts that the *Caroline* had been engaged and when seized by us was still engaged in carrying supplies and military stores from the American side of the river to the rebels in Navy Island, part of the British territory, that this was permitted or could not be prevented by the American authorities, I was clearly of opinion that although she lay on the American side of the river when she was seized, we had a clear right to seize and to destroy her, just as we might have taken a battery erected by the rebels on the American shore, the guns of which were fired against the Queen's troops in Navy Island. I wrote a long justification of our Government, and this supplied the arguments used by our foreign secretary, till the Ashburton treaty hushed up the dispute."

Mr. Calhoun said of it in a speech in the Senate in which he insisted that the capture of the *Caroline* in American waters was unjustifiable, because unnecessary:

"It is a fundamental principle in the law of nations that every state or nation has full and complete jurisdiction over its own territory to the exclusion of all others, a principle essential to independence, and therefore held most sacred. It is accordingly laid down by all writers on those laws who treat of the subject that nothing short of extreme necessity can justify a belligerent in entering with an armed force on the territory of a neutral power, and when entered, in doing any act which is not forced on him by the like necessity which justified the entering."

[NOTE 1 (PAGE 156.) NEGOTIATION BETWEEN UNITED STATES AND GREAT BRITAIN RELATIVE TO THE NEWFOUNDLAND FISHERIES.]

Mr. Adams says (documents relating to the negotiations of Ghent, page 184):

"That fishery, covering the bottom of the banks which surround the island of Newfoundland, the coasts of New England, Nova Scotia, the Gulfs of St. Lawrence and Labrador, furnishes the richest treasure and

the most beneficent tribute the ocean pays to earth on this terraqueous globe. By the pleasure of the Creator of earths and seas, it has been constituted in its physical nature one fishery, extending in the open seas around that island to little less than five degrees of latitude from the coast, spreading along the whole northern coast of this continent, and insinuating itself into all the bays, creeks, and harbors to the very borders of the shores. For the full enjoyment of an equal share in this fishery it was necessary to have a nearly general access to every part of it. * * *

"By the law of nature this fishery belonged to the inhabitants of the regions in the neighborhood of which it was situated. By the conventional law of Europe it belonged to the European nations which had formed settlements in those regions. France, as the first principal settler in them, had long claimed exclusive right to it. Great Britain, moved in no small degree by the value of the fishery itself, had made the conquest of all those regions from France (by force), and had limited, by treaty, within a narrow compass the right of France to any share in the fishery. Spain, upon some claim of prior discovery, had for some time enjoyed a share of the fishery on the banks, but at the last treaty of peace prior to the American Revolution had expressly renounced it. At the commencement of the American Revolution, therefore, this fishery belonged exclusively to the *British nation*, subject to a certain limited participation in it reserved by treaty stipulations to France."

He further cites (page 185) an act of the British Parliament passed in March, 1875:

"In March, 1775, the British Parliament passed an act to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation in North America, to Great Britain, Ireland, and the British Islands in the West Indies, and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland and other places therein mentioned, under certain conditions and limitations."

And the remarks of Lord North in bringing in the bill:

"In particular he said that the fishery on the banks of Newfoundland and the other banks and all the others in America was the undoubted right of Great Britain; *therefore we might dispose of them as we pleased.*"

Mr. Adams again observes (page 187):

"The whole *fishery* (with the exception of the reserved and limited right of France) was the *exclusive property* of the British Empire. The right to a full participation in that property belonged by the law of nature to the people of New England from their locality."

And in support of the validity of this proprietary right, he quotes (page 107) the passage from Vattel heretofore cited. (Vattel, 1 Ch., 23.)

He cites also (page 169) from Valin (Vol. 2, page 693) in respect to these fisheries as follows:

"As to the right of fishing upon the bank of Newfoundland, as that island which is as it were the seat of this fishery then belonged to France, it was so held by the French that other nations could naturally fish there only by virtue of the treaties. This has since changed by means of the cession of the island of Newfoundland made to the English by the treaty of Utrecht; but Louis XIV, at the time of that cession, made an express reservation of the right of fishing upon the bank of Newfoundland, in favor of the French as before."

And Mr. Adams quotes (page 169) from Mr. Jefferson's Report on the Fisheries, of February 1, 1791, as follows:

"Spain had formally relinquished her pretensions to a participation in these fisheries at the close of the preceding war, and at the end of this, the adjacent continent and islands being divided between the United States and the English and French, for the last retained two small islands merely for this object, the right of fishing was appropriated to them also."

And he quotes also (pages 189, 190) the language of Lord North and Lord Loughborough in the debate in Parliament on the treaty of 1763, in which the concession to the Americans in that treaty of rights of fishing was treated as an improvident and unnecessary concession.

[NOTE 1, PAGE 169. FRENCH LEGISLATION FOR REVENUE PROTECTION.]

Law or decree of August 6, 1791, Title III, Article I: "All goods prohibited admission which may be entered by sea or by land shall be confiscated as well as the ships under fifty tons, etc."

Article II: "All prohibited goods shall be accounted for according to the terms of the above article, * * * which the revenue officers shall have found within the two leagues of the coasts on vessels under fifty tons."

Title 13 of the police in general, article 6: "The inspection of the vessels, tenders, or of the sloops can take place at sea or on the rivers."

Article VII: "The officers of inspections on the said tenders can visit the vessels under fifty tons which may be found at sea at the distance of two leagues from the coast, and to receive the bills of lading concerning their cargo. If these vessels are loaded with prohibitive goods the seizure of the same shall be made, and confiscation shall be pronounced against the master of the vessel with a penalty of five hundred pounds."

Law or decree of the 4th Germinal, year 2d, March 24, 1794, relating to maritime commerce and revenue:

Title II, article 3: "The captain arriving within the four miles of the coast will submit when required, a copy of the manifest to the custom-house official who will come on board, and will visé the original."

Article 7: "The captain and the other officers on the revenue vessels may visit all ships under one hundred tons which are at anchor or luffing within the four leagues of the coasts of France, excepting they be of superior strength. If the ships have on board goods of which the import into and export from France is prohibited, they shall be confiscated, as well as the cargoes, together with a fine of five hundred pounds against the captains of the ships."

Provisions confirmed by the following laws:

Law of March 27, 1817, article 13: "The same penalty shall be applied in the case provided by article 7 of law of the 4th Germinal, year 2, Title II, to ships under one hundred tons overtaken, except they be of superior strength, within the two myriameters (four leagues) of the coasts, having on board forbidden merchandise."

FOURTH.

CONCURRENT REGULATIONS.

The five questions which, in the order adopted by the Treaty, are first submitted to the Tribunal of Arbitration, may for practical purposes be reduced to two; and these present for consideration the two general grounds upon which, in the contemplation of the Treaty, the United States might assert a right to prevent the pursuit and capture of the Alaskan fur-seals on the high seas. The *first* is the possession by the United States of a jurisdiction or right to exercise authority in Bering Sea sufficient to enable it to protect their sealing industries against injury from the prosecution of pelagic sealing by the vessels of any nation. The *second* is the property right or interest in the seal herd, or in the industry of cherishing and cultivating that herd on the Pribilof Islands, and taking the annual increase for the purpose of supplying the world's demand. The treaty apparently assumes that a determination in favor of the United States of the question of jurisdiction in Bering Sea *might* amount to a final disposition of the whole substance of the controversy; but it is cautious in this particular, and, having in view the extreme importance of preserving the seals from threatened extermination, contemplates that even in the event of such favorable decision the United States might not be able, by any exercise of the powers thus conceded to them, to insure this preservation; but that regulations to be adopted by the concurrent action of both nations might be necessary; and this contemplated possibility is not, in the view of the Treaty, displaced by any determination which may be reached upon the question of property.

The seventh article, therefore, broadly provides that:

If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of regulations for the proper protection and preservation of the fur-seal in or habitually resorting to the Behring Sea, the arbitrators shall then determine what concurrent regulations outside the jurisdictional limits of the respective governments are necessary, and over what waters such regulations should extend, etc., etc.

The reasons for leaving the consideration of concurrent regulations thus broadly open are manifest. In all judicial controversies, except such as plainly involve nothing more than the question of the right to a money payment, the particular relief which may be best suited to the exigency of the case can never be accurately perceived until all the rights, both principal and incidental, are ascertained; and, consequently, the character and extent of the relief are left to be determined along with, or subsequent to, the determination of the merits of the case. This was especially true of the present controversy in the form which it assumed at the time of the Treaty. The questions at that time had received a diplomatic treatment only. This disclosed that several novel legal questions were involved concerning which the high contracting parties were not agreed. But they were agreed that, whatever might be the true solution of such questions, there was one object extremely desirable to both, namely, that the fur-seals should be preserved from the peril of extermination. If it were determined that the United States had no property interest in the seals, and no exclusive jurisdiction in Bering Sea, concurrent regulations would certainly be necessary. And if it were determined that they had no property interest, but had the exclusive jurisdiction, it might yet be that the inadequacy of a protection, however efficiently exerted, which would be limited to these waters, would still render concurrent regulations necessary to complete protection. And, even if it were determined that they had both the requisite jurisdiction and the property interest, there might be a question concerning the action which they might take to protect such interest in the Pacific Ocean, south of Bering Sea. Satisfactory conclusions upon all these questions could only be had by an attentive examination, aided by a full production of proofs, not only of the questions of right, but also of the whole subject of sealing, and of the practical measures which might be requisite to assure the protection which both parties agreed to be supremely desirable. The single event which appears to have been regarded as *possibly* rendering it unnecessary to consider the question of concurrent regulations was a determination that the United States possessed the exclusive jurisdiction in or over some part of Bering Sea. A protection enforced by the United States in the exercise of such an authority *might* be sufficiently effective for the agreed purpose of preservation, and render any concurrent action on the part of Great Britain unnecessary; but this was uncertain. Hence the language of the Treaty, carefully shaped so as not to attempt anticipations

which might be disappointed, made it the duty of the Tribunal, "if the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such a position that the concurrence of Great Britain is necessary to the establishment of regulations," etc., to proceed and "determine what concurrent regulations outside the jurisdictional limits of the respective Governments are necessary," etc.

The first question which arises here is, what is the scope of the inquiry which the Tribunal is called upon to make? It is to determine what regulations *consistent with the pursuit of pelagic sealing* are necessary? It is thus, or in any other way, limited in its inquiry? It may be urged that we are at liberty to look into the diplomatic communications which preceded the treaty and led to it, with the view of more clearly ascertaining what the precise intent in this and other respects was, and that, when these are taken into view, it appears that all that the United States claimed was that the operations of the Canadian sealers should be placed under restrictions, such as those afforded by a close time and prohibited areas.

It is freely admitted that when suggestions were first made for the settlement of questions growing out of the depredations of the Canadian sealers and the seizures of vessels employed for that purpose, it was believed by the United States that the substantial enjoyment by them of the rights acquired by their acquisition of Alaska from Russia might be secured, and the herds of seals protected sufficiently for that purpose by some scheme of restriction in place or time, or both, of pelagic sealing. And it is believed that the Government of Great Britain at the same time supposed that such restrictions would suffice for the preservation of the herd.

But the whole subject was at that time novel and very imperfectly understood in either country. The cause, pelagic sealing with its results, which gave rise to the complaints on each side was recent, and had not assumed the proportions which it subsequently exhibited, nor was the actual magnitude of it at that time known. Nor had the habits of the seals, their migrations, and the places at which they might from time to time be found, upon which the questions respecting rights of property in them so much depend, been studied and fully ascertained. The United States had, from the first, a conviction that their industry, which came to them as a part of their acquisition from Russia, of cherishing and protecting their seals upon the Pribilof islands, to the end

that they might appropriate to themselves the annual increase without impairing the stock, could not be destroyed by the indiscriminate and unrestricted slaughter of the animal upon the seas. What the precise nature of their right was, and what its limits were, had not been subjected to thorough consideration. That they could prevent marauding upon the islands themselves and in the waters immediately surrounding them, and also any hovering in the neighborhood of them for such purposes, seemed too plain for question. And in view of the circumstance that this industry had been cherished by Russia for half a century, and that the claims to prohibitive jurisdiction over Bering Sea had been for a similar period asserted, and, as was believed by the Government of the United States, for the most part acquiesced in, it seemed to the Congress of the United States a reasonable exercise of natural rights to prohibit the capture of fur-bearing animals in the eastern half of Bering Sea, and laws were enacted by that body designed to effect such prohibition.

These laws were not limited in their operation to citizens of the United States, but might be enforced against the citizens of other nations; and while, by their terms, they assumed to be operative only over the Territory of Alaska and "the waters thereof," their language was interpreted to include so much of Bering Sea as was embraced by the terms of the cession from Russia to the United States. At first there was little, if any, occasion for any attempt to enforce the prohibitions of this legislation against any persons engaging in pelagic sealing. It was not until the year 1886 that this mode of pursuit had been prosecuted sufficiently to attract the serious notice of the United States; but in that year quite a large number of vessels were fitted out for this purpose from Canadian ports on the northwest coast, and entered Bering Sea. Some of them were captured by armed vessels of the United States, and demands for the release of them were made by Her Majesty's Government.

In the discussions which followed those demands, the right of the United States to make such captures was asserted by them and denied by Her Majesty's Government; but the destructive tendencies of the pursuit thus sought to be prevented by the United States was substantially admitted and regarded on both sides as threatening practical extermination of the animals. This would have affected most disastrously the interests of both nations. Both would thereby lose, in common with the world at large, the benefits derived from the useful products of that

animal. And while the United States would be subjected to a particular injury in being deprived of the profit coming from the sealing industries on the Pribilof Islands, Canada, one of the dependencies of Great Britain, would lose the supposed benefit of pelagic sealing; and England would be subjected to the far greater loss which would come from the breaking up of her industry in the manufacture of the seal-skins, in which some thousands of her people were engaged.

These considerations naturally led to the suggestion that both nations possessed such a common interest in the preservation of the herd as to make it expedient for them to make an effort to reach some agreement designed to bring about that result, which, if successful, would not only terminate the existing dispute, but subserve the permanent interests of the parties.

In the absence of full and correct information by the diplomatic representatives of the two governments of the nature and habits of the animal and of the laws governing its reproduction and increase, the peculiar device for the preservation of wild animals by restricting their slaughter to a limited time was suggested, and apparently accepted on both sides, almost immediately, as being likely to furnish a sufficient safeguard against the apprehended destruction. The time during which such a restriction should be enforced, the only point upon which difference of opinion might have been anticipated, was at once agreed upon, and there can be little doubt that a formal agreement would have been immediately framed and ratified, had not Canada, moved, presumably, by the remonstrances of her pelagic sealers, interposed and pressed an objection.¹ It is fortunate, in the view of the United States, that such an agreement was not consummated. It would have proved wholly illusive.

The foundation of this concurrence in the device of a *close season* was the predominating necessity of preserving the animals from extinction; and there is no reason to suppose that, had it then appeared that absolute prohibition of pelagic sealing was requisite to that end, such prohibition would have been acceded to in the absence of remonstrance from Canada, originating in the present interest of persons engaged in pelagic sealing, an interest which regarded with comparative indifference the eventual fate of the animal. It is not to be supposed that the enlightened statesmanship of Lord Salisbury, unembarrassed by any

¹ Diplomatic Correspondence, Case of the United States, Appendix, Vol. I, pp. 175 to 183, inclusive.

difficulty growing out of the opposition of a great dependency of the British Empire, would have insisted for a moment upon a continued indulgence of the pursuit of pelagic sealing, had it appeared that such a course would have involved, in the near future, the practical extermination of the fur-seals. He surely would not have sacrificed the interests of the world and the very large special manufacturing interest of Great Britain, in order to save for a few years a pursuit which was rapidly working the destruction, not only of the great interests above referred to, but also of itself.

The failure of the negotiations referred to left the situation involved not only with the existing dispute, but aggravated by the certainty that fresh causes of irritation and contention would constantly arise; and the proportions of the controversy continued to increase until the peaceful relations of the two governments became most seriously threatened. A renewal of negotiations ensued, which led to the ratification of the Treaty under which the present Tribunal has been constituted. Whatever may have been the effect of the later negotiations in separating the parties more widely upon the main questions of right involved in the controversy, there is one point upon which, having been substantially agreed at first, they were brought more and more into unison, namely, the predominating necessity of preserving the seals. The Seventh Article of the Treaty calls upon the Tribunal to determine simply "what concurrent regulations outside the jurisdictional limits of the respective governments are *necessary* to the proper protection and preservation of the fur-seals." Fitness for the accomplishment of that end is the only description in the Treaty of the regulations which this Tribunal is to ascertain or devise. After the article had assumed its present form in the negotiations, some effort was made by Lord Salisbury to restrict its effect to confer upon the Tribunal the full discretion which its terms import; but this was resisted on the part of the United States, and the attempt was abandoned.¹

The foregoing brief review of the negotiations will serve to show that the authority and discretion of the Arbitrators in respect of concurrent regulations is wholly unrestricted, except by the single condition that they are to be operative only *outside* of the municipal jurisdictions. There is not only no language importing that some form or degree of that pursuit is to be retained, but there is no implication even to that

¹ *Diplomatic Correspondence, Case of the United States, Appendix, Vol. I, pp. 339 to 345, inclusive.*

effect. It is not said that they are to be regulations of *pelagic sealing*. They are regulations "outside of the jurisdictional limits of the respective governments," and "for the proper protection and preservation of the fur-seal."

We are thus brought to the main question: What regulations are *necessary?* This depends upon a consideration of the nature and habits of the seals, the perils to which they are exposed, the causes which operate to diminish their numbers and prevent their reproduction, and the contrivances calculated to be most effectual to prevent the operation of those causes. It will be at once perceived that such a discussion must be, in great part at least, a simple repetition of that already gone through with upon the question of the claim of a property interest. This comes from the circumstance, which we trust has been made sufficiently manifest, that the institution of property is but the result of the solution by society of very much the same question which we are now proposing to enter upon. Human society has had before itself repeatedly or rather constantly, from its first beginnings, this same question—*what regulations are necessary to preserve the useful races of animals*—and the uniform solution has been to devise and adopt that particular class of regulations, which, taken together and enforced, *constitute the institution of private property* and its attendant safeguards, so far as that expedient is possible and effectual to the end; and it has been found thus possible and effectual in the case of all those animals which voluntarily so far subject themselves to human control as to enable their masters to appropriate the increase without destroying the stock. In respect to those races which can not be subjected to human control the solution has been to devise that class of regulations simply restrictive of slaughter, of which ordinary game laws are the types.

Inasmuch as it is indisputable that the fur-seals of Alaska are animals which submit themselves to human control, so far as to enable the proprietors of the soil to which they resort to take for human use the utmost increase without destroying the stock, the question what *regulations* are necessary for their proper protection and preservation is at once and finally answered. There is but one regulation needed "outside the jurisdictional limits of the respective governments," and that is that all pelagic sealing by the citizens of either nation be absolutely prohibited. Unless the uniform experience of human society from the earliest times in respect to such classes of animals is not likely to be repeated, or unless it seem probable that this Tribunal has the wisdom

and ingenuity to devise other regulations which human society has never as yet been able to conceive, which will effectually counteract the destructive tendency of pursuit by men excited and inflamed by the greed for gain, that regulation must certainly be deemed *necessary*.

We might well dismiss the subject of regulations at this point, as needing no further elucidation, and should do so except for the circumstance that it may possibly be considered that there is still a doubt concerning the extent and degree of the destructive tendency of a method of indiscriminate slaughter such as pelagic sealing is. That it operates directly to diminish the birth rate by sacrificing females instead of males, that it sacrifices large numbers which are never recovered, and that this is unnecessary, because there is a mode of selective slaughter which involves neither of these forms of waste, is undeniable; and, inasmuch as it is conceded by the Joint Report of the Commissioners of both Governments that under this method of capture the seals are diminishing with cumulative rapidity, there seems to be wanting no element requisite to justify the conclusion that this absolute prohibition is necessary. But it may still be contended that this mode of slaughter may, without absolute prohibition, be so restricted as to be compatible with the preservation of the race. This position is *assumed* in the Report of the Commissioners of Great Britain, but no proofs are adduced or reasons offered by them, to make good their assumption.

The first point, therefore, which should engage our attention is whether *any* allowance of pelagic sealing, however restricted in place or time, is compatible with the permanent existence of the seal herd. By the terms "any allowance," we do not mean the least measure of *formal* permission, such, for instance, as would allow the pursuit to be carried on during the months of December and January only, when the seas are so rough, and the seals found with such difficulty that there is no temptation to engage in the enterprise, but such permission as would afford some chance of success, and tempt undertakings that would result in the capture of considerable numbers of seals. Any license more restricted than this would be wholly unimportant as a license, and not worth discussion. It would amount for all substantial purposes to absolute prohibition, and should be viewed as such.

The question to which a clear answer should first be given is, "What causes a diminution of the herd?" It might at first be hastily supposed that any killing of seals would work *pro tanto* a decrease of the normal numbers; but a moment's reflection will show that this is not neces-

sarily true. The animal being polygamous, and each male sufficing for from thirty to fifty or more females, we have only to apply common barnyard knowledge in order to learn that under normal conditions there must always be produced a large number of superfluous males, which, if not taken away, would, of themselves, by their fierce and destructive contests for the possession of the females, not only destroy themselves in large numbers, but greatly interfere with and obstruct the work of reproduction. This superfluity of males, therefore, may be taken not only without injury, but with positive benefit to the herd. It is obvious that it is only by *diminishing the birthrate* that the normal numbers of the herd can be injuriously affected. If the seals were not interfered with by man the herd would increase in number, until by the operation of natural conditions tending to restrict increase, and which operate with accumulating force as the numbers become large, such as deficiency of food, want of convenient room on the breeding places, the occupation of the males in destructive warfare among themselves, which must greatly interfere with the work of reproduction, the deaths become equal to the births. The numbers of the herd will, other things being unchanged, then remain constant. This is so clearly explained in the Report of the Commissioners of the United States that it is unnecessary to further enlarge upon it here.¹

Disregarding the causes, other than the interference of man, which may operate to reduce the numbers of the herd, such as killer-whales or other enemies, or insufficiency of food, or disease, matters concerning which we have little or no knowledge, it is manifest that the killing of a single breeding female must, *pro tanto*, operate to diminish the number of births and thus tend towards the destruction of the animal. We need go no further. The conclusion from this single fact is certain and irresistible. Pelagic sealing means the killing, *principally* of *females* and *breeding females*; and if practiced to such an extent as to sacrifice such females in *considerable numbers*, must, in proportion to the numbers sacrificed, work a destruction of the herd; and the question when the destruction will be so complete as to amount to a sweeping away of the seals as a subject of value in commerce is a *question of time only*.

It is respectfully submitted to this Tribunal that right here is an end of legitimate debate. Any further discussion must relate to a question *how far man can tamper with the laws of nature* without incurring an injurious penalty. The answer of a tribunal bound to take notice of

¹ Case of the United States, pp. 346-350.

and administer the law of nature should be instant and decisive that he can not tamper with them *at all*. His sole business is to *ascertain* and *obey* them, well knowing, as he does, that any violation of them entails, with the certainty of fate, its corresponding punishment.

But, notwithstanding, let the inquiry *how soon* the destruction would be complete be pursued. And, for this purpose, let it be assumed that the present magnitude of the pelagic catch, and the consequent destruction of females, be continued. That catch amounted in 1891 to 68,000, according to the report of the British Commissioners,¹ and the number of victims dying from wounds and not recovered is not included. If we knew what the number of breeding females in the herds was at the same time, some ground for conjecture would be furnished. But of this we are wholly ignorant. We do not know the numbers even of the whole herd at that or any other time, still less the number of breeding females. All conjectures upon these points are wild and untrustworthy. But there are some facts within our knowledge which throw a certain measure of light upon the inquiry. We know something concerning the average drafts made by the Russians during their occupation of the islands, and which were confined to *nonbreeding males*.

According to the Report of the British Commissioners the average annual draft for the eighty-one years of Russian occupation was 34,000.² But inasmuch as this includes long periods of abstinence made necessary by the depletion of the herd, from exceptional or unknown causes, it would probably be nearer to the truth to place the *usual* draft under the Russian occupancy at from 50,000 to 75,000. And during this period the draft was often made smaller than it might safely have been, by reason of a diminished demand in the market. The smaller number, however, would, obviously, be less favorable to any indulgence of pelagic sealing. We also know that under the more careful management of the United States an annual draft of 100,000 was made without any observed serious diminution of the herd until after pelagic sealing had assumed large proportions. It may, therefore, probably be assumed as reasonably certain that under normal conditions, the herd contains *such a number of breeding females* as will allow an annual taking of 100,000 nonbreeding males, *provided pelagic sealing is prohibited*, and that this draft of 100,000 is the limit of nondestructive capture. Taking the pelagic catch of 1891, which was 68,000, there must be added to it the number killed and not recovered; which, as we wish to keep *very*

far within the truth, may be taken as one in every four. The number 68,000 represents, therefore, three-fourths only of the total killed, which would thus amount to 68,000 plus 22,666, or 90,666. Of this number, observing the same caution in statement, at least three-fourths are females, which would thus number 68,000, or the number actually recovered. How many of these may be barren females, there is no means of ascertaining. We have no reason to suppose that the number is considerable.

The question whether it would take a long or short period to sweep away the herd if 68,000 females were actually taken from them each year furnishes its own answer. The same annual subtraction from a constantly diminishing sum would be an accelerating progress of destruction which would soon complete its work, *even if all taking of seals on the land were prohibited*. The only cause tending to moderate the rapidity of the destruction would be the increasing difficulty of securing the annual 68,000 with the diminishing number of females; but as this number diminished, the draft would be proportionately larger; and even this check upon the destruction would be done away with by the increasing force employed in the pelagic slaughter, so long as the pursuit held out a chance of profit; and the constantly increasing price of skins—the sure result of a diminution of the supply in the market—would help to stimulate the prosecution of the work.

It is no longer matter of wonder that the much smaller pelagic catch, amounting in 1882 to 12,000, and annually increasing until it amounted in 1887 to 37,500,¹ had produced an effect which became distinctly manifest at the breeding places in 1889 and 1890, by the difficulty of finding the regular number of 100,000 young males for the purpose of slaughter, which led to an order to arrest the further killing. It would be *there* that the invasion upon the numbers of the herd would be first observable. No one could tell from any survey of the whole herd, stretched out over in the aggregate some 10 miles in extent, and presenting differing appearances from time to time, that the numbers had diminished until the diminution had reached an advanced stage; but any considerable decrease in the number of breeding females, involving, as it would, a decrease of births, would soon become manifest in the crucial practical test of selecting the quota of killable young males.²

But counsel for Great Britain may protest that it is not to the pur-

¹ Report of Brit. Com., p. 207.

² Report of Am. Com., Case of the United States, pp. 341-345.

pose to discuss the effects of *present* pelagic slaughter, because everyone concedes that it is destructive and should be restricted. It is true that this is admitted even by the Commissioners of Great Britain, although they assert that the destruction is in part imputable to excessive killing of males upon the islands; but it is none the less proper that, in the inquiry we are now upon, *how soon* a destructive method of capture will result in complete destruction, we should *begin* with a degree of it admitted to be speedily fatal. It tends to simplify the inquiry by drawing attention to the point how far any suggested methods of destruction will arrest this fatal destruction of females.

The problem, of course, is to devise some method of pelagic sealing which will prevent this measure of destruction, or anything approaching it. We must here turn our attention to the methods suggested by the British Commissioners. They have exercised their ingenuity to the utmost upon this point, and if the measures proposed by them are inadequate; we may reasonably infer that no sufficiently effective ones can be devised. The final result of their efforts is embodied in what is termed by them "Specific scheme of Regulations recommended." This is contained in the following paragraphs of their Report:

155. In view of the actual condition of seal life as it presents itself to us at the present time we believe that the requisite degree of protection would be afforded by the application of the following specific limitations at shore and at sea:

(a) The maximum number of seals to be taken on the Pribilof Islands to be fixed at 50,000.

(b) A zone of protected waters to be established, extending to a distance of 20 nautical miles from the islands.

(c) A close season to be provided, extending from the 15th September to the 1st May in each year, during which all killing of seals shall be prohibited, with the additional provision that no sealing vessel shall enter Behring Sea before the 1st July in each year.

156. Respecting the compensatory feature of such specific regulations, it is believed that a just scale of equivalency as between shore and sea sealing would be found, and a complete check established against any undue diminution of seals, by adopting the following as a unit of compensatory regulation:

For each decrease of 10,000 in the number fixed for killing on the islands, an increase of 10 nautical miles to be given to the width of protected waters about the islands. The minimum number to be fixed for killing on the islands to be 10,000, corresponding to a maximum width of protected waters of 60 nautical miles.

157. The above regulations represent measures at sea and ashore sufficiently equivalent for all practical purposes, and probably embody or provide for regulations as applied to sealing on the high seas as stringent as would be admitted by any maritime power, whether directly or only potentially interested.¹

¹Report of Br. Com., p. 25.

The first observation in relation to this suggested scheme which we have to make, is that it begins with a restriction, not upon *pelagic sealing*, but upon the taking of seals *upon the Pribilof Islands*, proposing a restriction of that to 50,000 annually. This is wholly inadmissible. Whatever the distinguished Commissioners may think proper or desirable in the way of restriction upon the action of the United States upon its own soil, it never occurred to the Government of Great Britain to ask that that nation should submit the exercise of its sovereign power to the authority of any tribunal; nor have we any reason to suppose that the diplomatic representatives of Great Britain, at any time in the course of the negotiations which resulted in the Treaty, imagined that any admissible scheme of regulations could embrace a limitation upon the killing of superfluous males upon the land, to the end that females might be killed upon the sea. It is enough to say that the Treaty strictly confines the regulations which the Tribunal may consider to such as are "outside the jurisdictional limits of the respective governments."

But let this pass in the present discussion, for we desire to consider the sufficiency of the proposed regulations upon the face of them. In substance, the scheme purports to be, so far as pelagic sealing is concerned, a mere interposition of *additional difficulties* in the prosecution of it by restricting it in place and time. It establishes a prohibited zone, with a radius of 20 miles from the islands, confines all pelagic sealing to the period between the 1st of May and the 15th of September in each year, and forbids entrance into Bering Sea before the 1st of July in any year. There are several observations immediately suggested by this scheme, which is declared by the contrivers of it to afford "the requisite degree of protection."

(1) In the first place it does not purport to restrict the number of seals so killed at sea to less than 68,000, unless the killing of that number is practically impossible under the conditions imposed. What guaranty or assurance is there that 68,000 females will not still be slaughtered under the limited conditions? All that is requisite to this end is the employment of an additional force of vessels and men, and this is easily possible, and will certainly be supplied if the *price of skins* will justify it. We know this would be the case, for it must be taken as certain that the force of pelagic sealers would be largely increased at the price

which skins commanded in 1891, when 68,000 were taken at sea. The force had been steadily increasing for years, and there is no reason for a belief that the progress would have ceased. Men will eagerly engage in such pursuits long after the certainty of a profit disappears. It still has great prizes, and it is these which tempt enterprise and risk. More than this, the scheme scarcely interposes any additional difficulties. It cuts off very little of the *time* during which pelagic sealing is now or can be prosecuted with advantage. A very small additional force would suffice to raise the capture to the amount obtainable by the present force operating without restriction.

But, finally, and decisively, the scheme itself furnishes a cause certain to bring to the work of destruction a force which would carry the slaughter far beyond the limit even of 68,000 females *per annum*. It cuts off from the market the supply from the breeding islands of 50,000 skins, leaving that enormous deficiency to be supplied by the pelagic sealers! What greater boon could they ask? If these Commissioners had deliberately set about to contrive a project for the stimulation of pelagic sealing, and for the delight of those engaged in it, they could have devised nothing so well calculated for that end as to take out of the market 50,000 skins of the supply from the Pribilof Islands, when the price stands at 125 shillings per skin,¹ and give the pelagic sealers a chance to make up the deficiency between the 1st of May and the 1st of September, with the privilege of entering Bering Sea on the 1st of July, and of approaching the Pribilof Islands to a distance of 20 miles therefrom. Indeed, with such temptations, they would greatly increase the catch over present limits, even if they were excluded from Bering Sea altogether. Their catch in the North Pacific during the present year has, it is believed, amounted to nearly that.

But we must not do the Commissioners the injustice of confining criticism to a part of their scheme. It includes another feature of restriction, which is indicated as furnishing "a just scale of equivalency as between shore and sea sealing," and "a complete check against undue diminution of seals." This is that the United States may procure an addition of ten nautical miles to the radius of the zone of protection around the islands for each reduction of 10,000 below the maximum of 50,000 to be allowed to be killed upon the islands, so that a protected zone of a radius of 60 miles might be obtained by a volun-

¹Case of the United States, Appendix, Vol. II, p. 561.

tary reduction of the number to be taken on the islands to 10,000. Of course, with a further withdrawal from the market of the supply furnished by the islands, to the amount of 40,000 skins annually, that is to say, by leaving practically the *whole* market to be supplied by the pelagic sealers, a force in the shape of vessels and men would speedily show itself sufficient to slaughter, not 60,000 females a season, but 100,000, and even more, between the first of May and the 15th of September. But we fail to perceive the use, or the consistency, of imposing a limit to which such voluntary reductions of slaughter on the breeding islands should be carried by making the minimum 10,000. Why should the United States not be permitted, if they desired, to purchase a protected zone of 60 miles radius by giving up the right to slaughter a single seal? The scheme had as its sole merit some poor pretension in the way of comicality. Why should this be thrown away?

(2) We may be told that we are really, if not avowedly, imputing to these Commissioners an *intention* to protect and promote the interests of the Canadian sealers, and that this is unfair; that if they are laboring in behalf of pelagic sealing, they are working as much for the interest of citizens of the United States as for Canadians, inasmuch as pelagic sealing is as open to the former as it is to the latter. We do not forget the suggestion of the Commissioners to this effect,¹ and we remember at the same time, what was well known to them, that this occupation is not unreservedly open to citizens of the United States. That nation deems itself bound by the spirit and principles of the law of nature, holds itself under an obligation to use the natural advantages which have fallen to its lot, by cultivating this useful race of animals to the end that it may furnish its entire increase to those for whom nature intended it, wherever they dwell, and without danger to the stock. It holds, as the law of nature holds, that the destruction of the species by barbarous and indiscriminate slaughter is a *crime*, and punishes it with severe penalties. Its enactments adopted when it was supposed that the only danger of illegitimate slaughter was confined to Bering Sea were supposed to be adequate to prevent all such slaughter. Are the United States to be deprived of the benefit of the seals unless they choose to abandon and repudiate the plain obligations of morality and natural law?

¹ Report of Br. Com., p. 20.

(3) But what would be the *cost* of this scheme? *Some*, not indeed very large, additional difficulties would be interposed in obtaining the present pelagic catch of 68,000. It would require a somewhat larger investment of capital in vessels and appliances, and a somewhat greater expenditure in wages. This, as has been shown, would be fully reimbursed to the sealers, with a large additional profit, by means of the subtraction from the market of 50,000 skins now furnished from the Pribilof Islands, and the consequent increase of *price*. This increase of price must of course be paid by the *consumer*. We can not well conjecture the amount of it. It could hardly be less, if we may rely upon the teachings of the table of prices,¹ than \$10 per skin, and might amount to much more. This additional cost, increased at every stage in the process of manufacture and exchange, might easily add \$30 to the price of the skin when it comes to the consumer, and thus the world would be burdened by an additional charge for 100,000 skins to the amount of the easily possible sum of \$3,000,000. And what would it cost to maintain the *naval police* required to enforce this scheme? How many armed steamers would be needed to guard effectually against the entrance of a trespasser within a prohibited zone, the circumference of which is upwards of 140 miles, in a region of thick and almost perpetual fogs? A million of dollars annually would be a moderate estimate of the expenditure required, and this must be paid by somebody, the Commissioners do not tell us by whom.

And *for whom* and *for what* is this prodigious tax to be imposed? For the Canadian sealers alone, and in order to enable them to make a profit, for a few short years, by the total destruction of a race of useful animals! If the assumption of such a burden were necessary, in order to *preserve* the seals, the propriety of making it would be worthy of consideration; but it is absolutely no misrepresentation or exaggeration to say that it would be a price paid, not for their preservation, but for their more speedy extermination. Not a dollar of this enormous expenditure is needed for any useful purpose. The entire increase of all the herd may be made available at the lowest possible price, without endangering the stock and without imposing any additional burden upon the world, by simply confining the capture of the seals to the methods allowed by natural law. Nor is the expenditure needed even for the mischievous purpose of killing off the seals. It is indeed a contrivance by which that result would be hastened, but if nothing were

¹ Case of the United States, Appendix, Vol. II, p. 561.

done, and pelagic sealing were permitted to be prosecuted without let or hindrance, the end would be reached nearly as soon.

(4) The severity, amounting to injustice, in the operation of such a scheme would be worth commenting upon, were it on other grounds admissible. How would the sealer know, in that region of fog, whether he was inside or outside of the prohibited line? The opportunities for taking observations are rare. It may be said that he should take good care and give the line a wide inside berth. But laws should take notice of the weakness of men in the face of temptation. This scheme would be a lure to which many would yield, and find themselves caught, even when they intended not to transgress.

(5) The Commissioners of Great Britain have in their report studiously avoided the real problem, which it was their business to solve. That problem, according to their own view, was to devise some scheme of pelagic sealing which would preserve that pursuit, and at the same time not be fatally destructive to the herd of seals. True, this is impossible; but it was not so in their view, if we may credit their confident statements. They should, therefore, have first fixed upon *some definite number of females* which might be taken annually without initiating a gradual, but sure, destruction, and then devise a method which should restrict the capture to this number. This is the method pursued upon the Pribilof Islands. An estimate is made of the number of superfluous males that may be safely taken, and the annual draft is rigidly limited to that number. Had the Commissioners attempted this task, the utter impossibility of it would have stood self-exposed. They would have been immediately confronted with *two* refutations. In the first place, had they named 50,000, or 40,000, or 20,000, or even 10,000, females as a number which might be annually sacrificed without involving a sure destruction, the sure teachings of the natural laws governing the increase of such animals would at once have rejected the proposal.

Those laws tell us that *no* females must be taken. It is not from that quarter that man may make his drafts in *any* degree. The conditions are far more rigidly exacting than in the case of domestic cattle. *There* the opportunity for cultivation is unlimited. It may be prosecuted throughout the whole world, and an undue abundance be speedily produced. It is often necessary there to *keep down* the stock instead of increasing it, and therefore females must necessarily be taken to

some extent; but with the seals the case is far otherwise. There are but few *possible* places in which the animal may be cultivated, and the march of destruction has greatly reduced these. They are wholly insufficient to supply the demand even under the most careful and prudent husbandry, and any taking whatever from breeding females is plainly inadmissible. This is of itself an end of the question, for to say that pelagic sealing must be limited to a catch of 10,000 (and, as we have seen, in pelagic sealing the number of females killed equals the whole number of both sexes actually recovered) is to prohibit it. The game would no longer be worth the candle. It would not be pursued under such conditions. In the next place, had the Commissioners fixed upon any definite number, it would be absolutely impossible to frame any scheme by which the slaughter could be limited to it. Their own wretched device of a limitation of the pursuit in time and place, much better calculated to increase than to restrict the slaughter, is, of course, beneath attention. We do not refer to the inefficiency of their particular suggestions. There is an inherent impossibility which no ingenuity, combined with a supreme desire to accomplish the purpose, can surmount.

(6) The fundamental error of the Commissioners of Great Britain, as of all who either deceive themselves, or attempt to deceive others, with the illusion that it is possible to permit in any degree the indiscriminate pursuit of a species of animals like the seals, so eagerly sought, so slow in increase and so defenseless against attack, and at the same time to preserve the race, consists in assuming that the teachings of nature can be replaced by the cheap devices of man. The first and only business of those who, like the Commissioners, were charged with the duty of ascertaining and declaring what measures were *necessary* for the preservation of this animal was to calmly inquire what the laws of nature were, and conform to them unhesitatingly. It would then have been seen by them that *no capture whatever* of such animals should be allowed except capture *regulated* in conformity with natural laws; and that all *unregulated* capture was necessarily destructive, and a crime; that there could be regulated capture upon the land, and upon the land alone, and that all attempts to regulate capture on the sea must necessarily be abortive; that, consequently, the only regulation to be made in respect to pelagic sealing was to prohibit it altogether, which is tantamount to the award of property to the proprietors of the breeding

grounds. The attempt to apply regulations in the nature of game laws to the pursuit of such animals is a misdirected effort, founded upon a disregard of their nature and habits. They are not like wild ducks, or herring, or mackerel, animals over which man has no control, and which reproduce themselves in prodigious numbers, and have abundant means of eluding pursuit, and which can not be cultivated by art and industry; but a species exhibiting all the conditions requisite to property, and which must be treated accordingly.

(7) This error is not imputable to ignorance on the part of the Commissioners. It does not arise from any failure to take notice of the nature and habits of the animal. There is, indeed, in their report an avoidance, which appears to be industrious, of any special inquiry into the nature and habits of seals, with the view of ascertaining and reporting for the information of this Tribunal whether they really belong to that class of animals which are the fit subjects of property, or that of which ownership can not be predicated, and which can, consequently, be protected against excessive sacrifice, only by the rough and ineffectual expedient of game laws; but, nevertheless, they fully admit that perfectly effective regulation of capture is easily possible at the breeding places and there alone. They say:

116. It is, moreover, equally clear from the known facts that efficient protection is much more easily afforded on the breeding islands than at sea. The control of the number of seals killed on shore *might easily be made absolute*, and as the area of the breeding islands is small, it should not be difficult to completely safeguard these from raiding by outsiders, and from other illegal acts.¹

What is the avowed ground, aside from the assumed right of individuals to carry on pelagic sealing, upon which these Commissioners felt themselves not warranted in yielding to the decisive facts thus stated by them, and declaring that a perfect protection would be given to the seals by simply prohibiting capture at sea? It is, to shortly sum it up, that the power thus possessed by the occupants of the breeding places has been abused in the past, and probably will be in the future, by an excessive slaughter of young males. It is that the United States put the property into the hands of lessees, and that, although the leases are long ones, yet the lessees are so far barbarians, or children, that they are incapable of comprehending their own interests,

¹ Report of Br. Com., p. 19.

and incapable of restraining their desire for present enjoyment, in order to secure their permanent welfare; and that the United States Government, which has a supervising control, either from the same or some other unexplained reason, is equally incapable of protecting its own interests and discharging its duty to mankind by preserving those bounties of nature which have been intrusted to its keeping. In short, their argument is that those means which nature has pointed out, and which society from the earliest dawn of civilization has adopted and followed, for the purpose of preserving the gifts of nature and making them in the highest degree available for the uses of man, have, in this instance, proved a failure; that the force of the universal motive of self-interest has, in this instance, not been effective with the American people, and consequently an occasion has arisen for the invention, by the wisdom and ingenuity of these Commissioners, of some device better adapted to the desired object! This is no perversion or exaggeration of the argument of this report. It may be left to fall from its intrinsic weakness, not to say absurdity.

(8) We are reluctant to make any reference to *motives*; but, where opinions are, as in this case, *made* evidence, the question of good faith is necessarily relevant. Why is it that these Commissioners have chosen to disregard the plain dictates of reason and natural laws which they were bound to accept, and to recommend some cheap devices in their place, when they so clearly perceived those dictates? We are not permitted to think that this was in *conscious* violation of duty, if any other explanation is possible. The only apology we can find comes from the fact, clearly apparent upon nearly every page of their report, that the *predominating* interest which they conceived themselves bound to regard was not the preservation of the seals, but the protection of the Canadian sealers. This explanation at once accounts for all their extraordinary recommendations and all their varying inconsistencies. Hence every degree of restraint upon pelagic sealing is reluctantly conceded, and yielded only when it is compensated for, and more than compensated for, by an added restriction of the supply furnished to the market from the breeding islands. As the work of the pelagic sealers is on the one hand restricted in time or place, and thus *discouraged*, it is on the other *stimulated* by the certainty of a better market and a richer reward. So persistently and exclusively have they kept this policy before them as their main object, that an *ideal* has been

formed in their minds which they openly avow, and to attain which is their constant effort. This ideal is that *all* taking of seals on land should be prohibited, and pelagic sealing be made the only lawful mode of capture.

They thus express themselves: "It has been pointed out, and we believe it to be probable, that if all killing of seals were prohibited on the breeding islands, and these were strictly protected and safe-guarded against encroachment of any kind, sealing at sea *might be indefinitely continued without any notable diminution*, in consequence of the self-regulative tendency of this industry."¹

And, suggesting, as the only objection to this policy which occurs to them, that it might be too much to expect of the United States to thus guard the islands and support a native population of 300 at its own expense, they continue: "It may be noted, however, that some such arrangement would offer, perhaps, *the best and simplest solution of the present conflict of interests*, for the citizens of the United States would still possess equal rights with all others to take seals at sea, and in consequence of the proximity of their territory to the sealing grounds they would probably become the principal beneficiaries!"²

And they finally come to the conclusion that *any* taking of seals at the breeding places is an *error* for which there is no defense except long usage, and even that they regard as a doubtful apology. They say:

While the circumstance that long usage may, in a measure, be considered as justifying the custom of killing fur-seals on the breeding islands, many facts now known respecting the life history of the animal itself, with valid inferences drawn from the results of the disturbance of other animals upon their breeding places, as well as those made obvious by the new conditions which have arisen in consequence of the development of pelagic sealing, point to the conclusion that the breeding islands should, if possible, remain undisturbed and inviolate.³

These references to the opinions expressed in the report of the Commissioners of Great Britain, when taken together with the scheme recommended by them, leave no room for doubt that the defense of the Canadian sealers was, from first to last, their *predominating motive*, and enable us to make for them the apology that they conceived that this was the duty with which they were especially charged. If this be the fact, it is easy to perceive how all their reasonings and recommendations should receive a color and character. We feel obliged to say that

¹ Report of Br. Com., p. 20, sec. 121.

² Report of Br. Com., p. 20, sec. 125.

³ Report of Br. Com., p. 27, sec. 166.

we can perceive no other ground upon which their action may be made consistent with good faith.

(9) But what are their avowed reasons, if any, for forming this *ideal* of an exclusive adoption of pelagic sealing as a proper scheme of regulations for preserving the seals? We can gather from the pages of their report these three:

(a) That pelagic sealing is a national or common *right*, which can not be taken away.

(b) That pelagic sealing has a "self-regulating tendency."¹

(c) That sealing on the breeding places is destructive, because of the excessive slaughter of young males, which, as they allege, is and will be indulged in, although it need not be.

The first of these reasons is not relevant here, nor should it have had any place in the consideration of these Commissioners. It was a matter committed to the determination of other parties, and is elsewhere discussed by us. It may, however, be here observed that if it be a natural right of citizens of Great Britain, it must be held, as all other rights are, in subordination to the power of governments to enact legislation to preserve the useful races of animals, and Great Britain may certainly, if she pleases, prohibit her citizens from exercising it, as the United States do. And if it be the subject of governmental restriction, as the commissioners themselves propose to make it, it may be also prohibited by governmental regulation.

The third ground we have already considered. Unfounded in fact, repugnant to reason, absolutely contradicted by the experience of nearly a century on the Pribilof Islands, and, as the Commissioners themselves admit, by that on the Commander Islands for a similar period,² we dismiss it without further notice.

The second ground, the alleged "self-regulative tendency," may be briefly noticed. What is this asserted "*self-regulating tendency?*" We must describe it in the language of the Commissioners themselves. They say:

"In sealing at sea the conditions are categorically different, for it is evident that by reason of the very method of hunting, the profits must decrease, other things being equal, in a ratio much greater than that

¹ Report of Br. Com., p. 20, sec. 121.

² Report of Br. Com., p. 15, sec. 92.

of any decrease in the numbers of seals, and that there is, therefore, inherent *an automatic principle of regulation* sufficient to prevent the possible destruction of the industry if practiced only at sea."¹

But what if other things should not be equal, as they certainly would not be? What if, as the supposed difficulties in capturing seals were increased, making it impossible for the same force to make the same catch in the same time, and thus diminishing the supply offered in the market, the price of skins should rise, as it certainly would? Would the effect be anything except to stimulate the pursuit, bring into play a greater energy and skill, attract a larger force, and thus lead to an equal, and probably a much larger catch? In the whale fishery the price of the product continually rising so stimulated the pursuit as to attract a continually augmenting force, with the result of nearly exterminating some of the species. The fate of the sea otter had been the same. But we need not go further than the statistical tables of pelagic sealing furnished by the Commissioners. Whatever may have been the increase of difficulty in obtaining seals consequent upon the increased pursuit, the price has afforded a stimulus sufficient to bring into the field a continually augmenting force, and has thus brought the aggregate of the pelagic catch from 12,000 in 1882 to 68,000 in 1891.

(10.) In conclusion it is submitted that the scheme proposed by the Commissioners of Great Britain is a contrivance, *not* for the *preservation* of the seals, which was by the Treaty made the sole object of their inquiries and labors, but for the *promotion* of *pelagic sealing*, and, consequently, for the *destruction* of the seals. This is its character even upon their own views. They insist that the slaughter of 100,000 young *males* upon the Probiolof Islands was, even before pelagic sealing was prosecuted, an excessive draft rapidly tending to a destruction of the herd; and yet their scheme directly and necessarily involves a slaughter of many more than 100,000 seals of which more than half will be *females*.

It is believed that the Tribunal will not fail to perceive that a thorough consideration of the question of the feasibility of any system of regulating pelagic sealing which would permit that business to be prosecuted, and yet secure the herd from extermination, ending, as it must, in a conviction that such a system is not feasible, leads, by a somewhat different path, to the same conclusion which is reached by a

¹ Report of Br. Com., p. 19, sec. 118.

direct inquiry into the question of property. It fully establishes the conclusion that the only "concurrent regulation" which can preserve the seal herds from practical extermination is one simply and absolutely prohibitive of pelagic sealing, and that this therefore is necessary. And this is tantamount, in its effect, to the recognition of a property interest in the proprietors of the breeding islands.

If a *bona fide* effort were made to allow pelagic sealing under conditions which would reduce its destructive effect to a point where it might be neglected as unsubstantial or insignificant, *real, not pretended*, restriction would be secured. The effort would be to *take away*, not to *add*, inducements to embark in it. The method would be to *discourage* it, to throw *difficulties* in the way of it, to so restrict it in place or time, or both, that little chance for profit would remain. To this end a prohibition during March and April would be wholly useless. It could not be safely allowed even for a single month in the period from April to October. The privilege must be limited to stormy weather which repels enterprise. And this is to prohibit. If we mean to preserve the seals, we must submit to be governed by those natural laws upon an observance of which their preservation depends. These teach, with a directness and certainty which can not be misunderstood, two things.

First. In the case of animals over whom man has no control, such as most wild animals are, if they are in danger of destruction from too eager pursuit, restrictions in the nature of game laws, which operate simply to diminish the destruction, without changing its character, are the only preventive measure which society can apply. And it can not absolutely prohibit destruction, for this would be to prohibit the *use* of nature's gift. This remedy is apt to be insufficient, from the difficulty of enforcement, but it tends to preserve, and sometimes succeeds in preserving, that which it is designed to save.

Second. But where some men have such a control over the animal that they can by abstinence, art, and industry reap its full natural increase and make it available for human wants, and at the same time preserve the stock, society can, as it does, preserve the animal, and at the same time secure the full benefit of its natural increase by permitting them to kill at discretion, and prohibiting killing by all others.

The United States stand upon the assertion of their property interest, and if that is recognized, they conceive that they have the ability to protect it on every sea. It is not usual for one nation to voluntarily

ask the aid of another in the defense of its rights. Each is ordinarily left to enforce its own laws with its own power. The United States do not ask for the slightest measure of aid in the performance of what is properly their own exclusive work.

But it may happen, and does happen in the present case, that what from natural situation may be peculiarly the proper work of one nation, may yet be the work, in some degree, of others. The destruction of a useful race of animals is the destruction of property belonging to the whole world, and is a crime against the law of nations. To prevent and punish it is as distinctly the duty of all civilized nations as it is to prevent and punish the crime of piracy. The pelagic sealer is *hostis humani generis*, just as the pirate is, though with a less measure of enormity and horror. It is, therefore, part of the duty of nations to forbid their citizens from engaging in the practice of pelagic sealing, and, as the parties to this controversy have voluntarily submitted it to this Tribunal to declare what regulations outside of their respective jurisdictions it is their duty to concur in and enforce for the preservation of the seals, it is entirely proper that the tribunal should frame, even while recognizing the property interest asserted by the United States, a simple regulation, to be concurrently adopted and enforced by each nation, prohibiting all sealing at sea, except by the native tribes of Indians on the northwest coast of America for the purposes of food and clothing in the manner in which they were originally accustomed to prosecute it.

JAMES C. CARTER.

FIFTH.

CLAIMS FOR COMPENSATION.

I.—DAMAGES CLAIMED BY THE UNITED STATES.

It is provided in article VIII of the Treaty that either party may submit to the Arbitrators any question of fact involved in any claim it may have against the other; and ask for a finding thereon, "*the question of the liability of either government upon the facts found to be the subject of further negotiation.*"

As the undersigned construes this paragraph, it limits the range of inquiry by the Tribunal to facts which bear only upon the amount of the claims submitted, as the question of *liability* is left open to be settled by negotiation.

And in the fifth article of the *Modus Vivendi* of May 9, 1892,¹ it is provided that—

If the result of the Arbitration be to affirm the right of British sealers to take seals in the Bering Sea, within the bounds claimed by the United States under its purchase from Russia, then compensation shall be made by the United States to Great Britain (for the use of her subjects) for abstaining from the exercise of that right during the pendency of the Arbitration, upon the basis of such a regulated and limited catch or catches as in the opinion of the Arbitrators might have been taken without an undue diminution of the seal herds; and, on the other hand, if the result of the Arbitration shall be to deny the right of British sealers to take seals within said waters, then compensation shall be made by Great Britain to the United States (for its citizens and lessees) for this agreement to limit the island catch to 7,500 a season, upon the basis of the difference between this number and such larger catch as, in the opinion of the Arbitrators, may have been taken without an undue diminution of the seal herds.

This leaves the number of seals which might have been taken in the Bering Sea by the British sealers, and upon the Pribilof Islands by the lessees of the United States, without danger of reducing the seal herd, wholly to the judgment of the Tribunal under the proofs submitted.

¹Case of the United States, Appendix, Vol. I, p. 7.

In the printed Case submitted on behalf of the United States, a claim is presented under the clause last quoted, for compensation to the United States for the increased amount of rental which the United States would have received upon an additional number of skins taken, and for a bonus of \$9.62½ on each skin, to be paid by the lessees of the islands, over and above the bonus upon the 7,500 skins, which are permitted to be taken under the *Modus Vivendi*.¹ And a claim is also submitted by the United States in behalf of its lessees for the profit the lessees would have made upon an increased number of seals which might have been taken above the 7,500 but for the *Modus Vivendi*.²

The Case also submits a claim in behalf of the United States and lessees for compensation for the limited number of seals taken under the *Modus Vivendi* of 1891.

Frankness requires us, as we think, to say that the proofs, which appear in the Counter Case of the United States as to the condition of the seal herd on the Pribilof Islands, show that the United States could not have allowed its lessees to have much, if any, exceeded the number of skins allowed by the *Modus Vivendi* of 1892 without an undue diminution of the seal herd, and upon this branch of the case we simply call the attention of the Tribunal to the proofs, and submit the questions to its decision.

As to the claims submitted in behalf of the United States and its lessees under the *Modus Vivendi* of 1891, the undersigned also feels constrained to say that, as no provision for the payment of compensation to either party is provided for in that agreement, and as, under the laws of the United States and lease of the islands by the United States to the North American Commercial Company, the United States had the full power, through its Secretary of the Treasury, to limit the catch in any year to such number as in the discretion of the Secretary of the Treasury might seem proper, we must admit that no right of compensation accrued under that agreement to either the United States or its lessees, for the reason that the agreement was wholly voluntary, and such as the two governments were entirely competent to make, and no right to compensation would accrue to either government or its citizens unless specially provided for in the *Modus Vivendi*.

¹Case of the United States, pp. 286-289.

²Ibid., pp. 289-291.

II.—DAMAGES CLAIMED BY GREAT BRITAIN.

The claims submitted on the part of Great Britain are for damages sustained by certain of its subjects by reason of the seizure by the United States of certain vessels alleged to belong to such subjects, and warning certain British vessels engaged in sealing not to enter Bering Sea, and notifying certain other British vessels engaged in the capture of seals in Bering Sea to leave said sea, whereby it is insisted that the owners of such vessels sustained losses and damages, as set forth in the respective claims, these claims being stated in detail in the "*Schedule of particulars*" of said claims appended to the British Case.

The right and authority of the United States to protect the seal herd, which has its home in the Pribilof Islands, and in the exercise of such right to make reprisal of seal-skins wrongfully taken, and to seize, and, if necessary, forfeit the vessels and other property employed in such unlawful and destructive pursuit, is a necessary incident to the right asserted by the United States to an exclusive property interest in said seals and the industry established at the sealeries.

We, however, preface what we have to submit on this feature of the case by saying that, if it shall be held by this Tribunal that these seizures and interferences with British vessels were wrong and unjustifiable under the laws and principles applicable thereto, then it would not be becoming in our nation to contest those claims, so far as they are just and within the fair amount of the damages actually sustained by British subjects.

And, even if it shall be decided by this Tribunal that the United States were not justifiable, under the circumstances and the law, in making such seizures and interfering with British subjects in the pursuit and capture of fur-seals in the Bering Sea, still that decision would furnish no ground for claims based on wholly illegal and untenable grounds, nor for extortionate demands.

The actual damages sustained by these British subjects, in behalf of whom these claims are presented by the British Government, must, undoubtedly, be finally settled, according to the terms of the Treaty, by negotiations hereafter to be had; but, as findings of fact in regard to these claims are asked for, our purpose in this part of the argument is to call attention to some of the elements which go to make up these claims, and show, as we think, conclusively, that such elements can

not enter into claims for compensation against the United States under the Treaty.

And we contend—

First. That only claims properly due to *subjects of Great Britain* should be submitted on the part of that nation and findings of facts asked in relation thereto; and in the application of this principle we insist that it is shown by the Counter Case of the United States and the Appendix thereto that the schooner *W. P. Sayward* and the steam schooners *Thornton*, *Anna Beck*, *Grace*, and *Dolphin*, with all their supplies and outfits, were in fact owned by one Joseph Boscowitz, a citizen of the United States at the time these vessels were respectively seized by the United States officers;¹ that for some time prior to the fall of 1885 said schooner and steam schooners had been engaged in the sealing business in the joint interest of said Boscowitz and one James Douglas Warren; that Warren had no capital, and although nominally interested in said vessels and their catch as half owner, yet in fact the money representing his share in the vessels was loaned to him by Boscowitz, and secured by mortgages to Boscowitz on the vessels; that in the fall of 1885 Warren became insolvent and made an assignment for the benefit of his creditors, and in order to transfer the title to these vessels a sale of them was made under the Boscowitz mortgages, and one Thomas H. Cooper bid the vessels off at such sale for the sum of \$1, Cooper being a brother-in-law of Warren and a British subject, residing in San Francisco, Cal.; that on becoming such purchaser Cooper executed mortgages to Boscowitz on the vessels for their full value, which mortgages Boscowitz held at the time of the seizures, the whole transaction being had solely for the purpose of securing a British registration for said vessels, and thereby enabling Boscowitz and Warren to carry on the sealing business under the British flag.²

The testimony showing Boscowitz was a citizen of the United States is found in the affidavits of T. T. Williams³ and a report of Levi W. Myers, United States consul at Victoria, B. C., dated November 10, 1892.⁴ While the proof as to the relations between Boscowitz and Cooper is found in the deposition of Thomas H. Cooper, the alleged

¹ Counter Case of the United States, p. 30; App., pp. 235, 351.

² Counter Case of the United States, App., pp. 321-325.

³ *Ibid.*, p. 351.

⁴ *Ibid.*, p. 255.

owner of the said vessels;¹ and the relations between Boscowitz and Warren are shown in the testimony of Boscowitz and Warren, and the pleadings and decrees in the case of Warren *vs.* Boscowitz and the cross case of Boscowitz *vs.* Warren, in the courts of British Columbia.²

The proof also shows that the schooners *Carolina* and *Pathfinder*, with their supplies and outfits, were, in fact, owned at the time they were seized by one A. J. Bechtel, a citizen of the United States (see deposition of W. H. Williams,³ and a report of Levi W. Myers, United States consul at Victoria, B. C.⁴), although said vessels were registered in the names of British subjects.⁵

And that the schooners *Alfred Adams*, *Black Diamond*, and *Lily*, were in fact owned, at the time they were respectively seized by one A. Frank, a citizen of the United States (see deposition of T. T. Williams),⁶ although registered in the names of British subjects.⁷

It will be seen by looking over the list of vessels alleged to have been seized, or interfered with, that the list contains twenty vessels, but that two of the vessels named in that list, the *Triumph* and the *Pathfinder*, were seized or interfered with twice;⁸ so that, in fact, the schedule contains the names of only eighteen separate vessels in regard to which claims are made, and of these eighteen, ten of them were owned by citizens of the United States.

It is assumed on the part of the United States that if the proof submitted shows that these ten vessels were really the property of citizens of the United States, although they had a nominal registry in the names of British subjects, such demonstration will be sufficient to justify a finding by the Tribunal that no citizen of Great Britain has sustained damage by the seizure of the *Sayward*, *Anna Beck*, *Thornton*, *Grace*, *Dolphin*, *Carolina*, *Pathfinder*, *Alfred Adams*, *Black Diamond*, and *Lily*.

We therefore confidently ask and expect the decision and finding of the Tribunal that these claims do not belong to British subjects, and

¹ *Ibid.*, pp. 320-325.

² *Ibid.*, pp. 301-320.

³ Counter Case of United States, Appendix, p. 351.

⁴ *Ibid.*, 261.

⁵ Case of Her Majesty's Government, Schedule of Claims, pp. 1, 40; Counter Case of United States, Appendix, p. 256.

⁶ Counter Case of United States, Appendix, p. 352.

⁷ Case of Her Majesty's Government, Schedule of Claims, pp. 32, 48, 50.

⁸ *Ibid.*, p. 1.

for that reason the Tribunal can not be called upon to find any facts respecting them.

To justify a finding upon a claim, it must be made to appear affirmatively, by a clear preponderance of proof, that the claim is owned by one of the Governments, parties to this Arbitration, or to a citizen or subject of such Government.¹

We insist that we may, with propriety, go farther and say that, if there is even doubt that a claimant is a citizen of the nation that presents a claim in his behalf, that doubt should of itself be enough to preclude any finding of facts involved in such claim.

The powers and jurisdiction of this Tribunal are delegated to it by the Treaty which is in itself but a contract or agreement and its terms can not be enlarged or amplified by construction.

In taking this ground we do not intend to cast any aspersion upon the good faith of the British Government, or its Agent, for having presented these claims, as we admit that on the face of the claims as presented they appear to be in favor of British subjects. But we do insist that it is right for this Tribunal to go behind the face of the papers and ascertain, from proofs furnished, whether or not the persons to be benefited by the allowance or payment of these claims are in fact British subjects, and that no facts should be found involved in any claim where there is even good ground for doubt that such claim belongs to a British subject.

Second. All these claims but two (the *Triumph*, No. 11,² and the *Pathfinder*, No. 20,³ of schedule) contain an item for "loss of probable catch," "loss of estimated catch," "balance of probable catch," "probable catch," etc.⁴

All of which will more fully appear by the following tabulated statement:

No. 1. <i>Carolina</i> , estimated catch	\$16,667
No. 2. <i>Thornton</i> , estimated catch	16,667
No. 3. <i>Onward</i> , estimated catch	16,667
No. 4. <i>Favorite</i> , estimated loss of catch	7,000
No. 5. <i>Sayward</i> , probable catch of 1887.....	19,250
No. 6. <i>Grace</i> , probable catch.....	23,100
No. 7. <i>Anna Beck</i> , probable catch.....	17,323
No. 8. <i>Dolphin</i> , probable catch.....	24,750

¹ Article VIII of Treaty of Arbitration.

² Case of Her Majesty's Government, Schedule of Claims, p. 38.

³ *Ibid.*, p. 57.

⁴ *Ibid.*, pp. 1-58.

No. 9. <i>Alfred Adams</i> , probable catch.....	\$19,260
No. 10. <i>Ada</i> , probable catch.....	15,818
No. 12. <i>Junia</i> , estimated catch	9,424
No. 13. <i>Pathfinder</i> , estimated catch.....	15,363
No. 14. <i>Triumph</i> , estimated catch	19,424
No. 15. <i>Black Diamond</i> , estimated catch	16,192
No. 16. <i>Lily</i> , balance of catch.....	14,136
No. 17. <i>Ariel</i> , balance of estimated catch.....	9,248
No. 18. <i>Kate</i> , balance of catch	10,960
No. 19. <i>Minnie</i> , balance of catch	16,112
	357,353

All these items are subject to the objection that they are prospective profits, uncertain and contingent in their nature, and can not be made the basis of a claim for compensation to the owners of these vessels.

In Sedgwick, on the "Measure of Damages," page 69, sixth American edition, it is said:

The early cases in both the English and American courts, generally concurred in denying profits as any part of the damage to be compensated, whether in cases of contract or tort.

In a case for illegal capture, where one of the items of the claim for damages was the profits on the voyage broken up by the capture, the court said:

Independent, however, of all authority, I am satisfied upon principle that an allowance of damages upon the basis of a calculation of profits is inadmissible. The rule would be in the highest degree unfavorable to the interests of the community. The subject would be involved in utter uncertainty. The calculation would proceed upon contingencies and would require a knowledge of foreign markets to an exactness in point of time and value, which would sometimes present embarrassing obstacles. Much would depend upon the length of the voyage and the season of the arrival; much upon the vigilance and activity of the master, and much upon the momentary demand. After all, it would be a calculation upon conjecture and not upon facts.¹

In the case of the *Amiable Nancy*, Mr. Justice Story, speaking for the United States Supreme Court, said:

Another item is \$3,500, for the loss of the supposed profits of the voyage on which the *Amiable Nancy* was originally bound. In the opinion of the court, this item also was properly rejected. The probable or possible benefits of a voyage, as yet *in fieri*, can never afford a safe rule by which to estimate damages in cases of a marine trespass. There is so much uncertainty in the rule itself, so many contingencies which may vary or extinguish its application, and so many difficulties in sustaining its legal correctness, that the court can not believe it proper to entertain it. In several cases in this court, the claim for

¹ The schooner *Lively*, 1 Gallison, 814.

profits has been expressly overruled; and in *Del Col v. Arnold* (3 Dall., 333) and *The Anna Maria* (2 Wheat., 327), it was, after strict consideration, held that the prime cost, or value of the property lost, at the time of the loss, and in case of injury, the diminution in value by reason of the injury, with interest upon such valuation, afforded the true measure for assessing damages. This rule may not secure a complete indemnity for all possible injuries; but it has certainty and general applicability, to recommend it, and, in almost all cases, will give a fair and just recompense.¹

And in Wood's *Mayne on Damages*,² the author, speaking of damages in cases of tort, says:

In general, however, injuries to property, where unaccompanied by malice, and especially where they take place under a fancied right, are only visited with damages proportionate to the actual pecuniary loss sustained.

While it is conceded that there has been some relaxation of the rigid rule of the early cases in England and the United States, in regard to the allowance of profits as an element for the award of damages or compensation, it is undoubtedly still the rule in both countries that profits can only be allowed as damages where they are in the contemplation of parties, in cases arising on contract, and where they are the necessary and proximate result of the injury in cases of tort, and in those latter cases only where they can be proven or established with substantial certainty.³

These vessels were all engaged in a hazardous voyage upon the boisterous waters of the North Pacific Ocean and Bering Sea, subject to all the perils of the sea, and the mind can hardly conceive any event more uncertain and contingent than the number of seals they would have captured if they pursued their voyages unmolested. Shipwreck and every other element of uncertainty, including the proverbial uncertainty which is always an element in fishing and hunting expeditions, would seem to attend all such ventures, and the cogent reasoning of Mr. Justice Story in the cases just cited seems unqualifiedly applicable to the items of "probable catch," etc., presented in this schedule of claims.

The Tribunal will bear in mind that the United States do not occupy the position of a tort-feasor, subject to exemplary or vindictive damages. "The King (Sovereign) can do no wrong." The acts, in respect to which compensation is asked in behalf of these British

¹ 3 Wheaton's U. S. Repts., 546; see also *Smith vs. Condry*, 1 How. U. S. Repts., 28-34.

² First American edition, from third English edition, p. 56.

³ *Hadley vs. Baxendale*, 9 Exch. 341; *Masterton vs. Mayor of Brooklyn*, 7 Hill, 62.

subjects, were performed by the United States in the exercise of its sovereignty, and the execution of its statutory laws, and no malice or other unjust motive can be imputed to those acts.

Among the claims presented by the United States in behalf of its citizens to the Tribunal of Arbitration upon the Alabama claims, which met at Geneva in 1872, under the treaty between Great Britain and the United States, were a large number of claims like those now under consideration, for the prospective earnings of ships destroyed by the rebel cruisers in the late civil war of the United States, and that tribunal, by the unanimous vote of its members, said in regard to such claims:

And whereas prospective earnings can not properly be made the subject of compensation inasmuch as they depend in their nature upon future and uncertain contingencies, the tribunal is unanimously of opinion that there is no ground for awarding to the United States any sum by way of indemnity under this head.¹

It is therefore respectfully submitted that the rule of decision adopted in the case of the Alabama claims is well established in the jurisprudence of the two nations now at the bar of this High Tribunal; and in the light of the authorities cited the undersigned respectfully insists that the items in these claims for "probable catch," "estimated catch," etc., which amount in the aggregate to over two-thirds of the grand total of the claims presented, must be considered as wholly speculative and so uncertain that Great Britain is not entitled to any finding as to any fact involved therein, except the fact of their uncertainty, which appears on the face of the claims themselves.

In the claims growing out of the seizures of the *Carolina*, *Thornton*, *Onward*, *Sayward*, *Grace*, *Anna Beck*, *Dolphin*, and *Ada* there are also items for the future earnings of those vessels,² namely:

No. 1, *Carolina*, seized 1886:

Claims for earnings in 1887.....	\$5,000
Claims for earnings in 1888.....	5,000

No. 2, *Thornton*, seized in 1886:

Claims for estimated loss to owner by detention in 1887	5,000
Claims for estimated loss to owner by detention in 1888.....	5,000

No. 3, *Onward*, seized in 1886:

Claims reasonable profit for season of 1887.....	5,000
Claims reasonable profit for season of 1888.....	5,000

¹ Geneva Arbitration, Congressional publication, vol. IV, p. 53; see also Wheaton's International Law (Boyd's 3d English edition), sec. 539, t, p. 592.

² Case of Her Majesty's Government, Schedule of Claims, pp. 5, 9, 11, 19, 23, 27, 31, 38.

No. 5, *Sayward*, seized in 1887:

Claims for earnings in coasting trade in fall of 1887.....	\$1,200
Earnings for season of 1888	6,000

No. 6, *Grace*, seized in 1887:

Claims for probable earnings in fall of 1887.....	2,000
Claims for probable earnings in season of 1888.....	7,000

No. 7, *Anna Beck*, seized in 1887:

Claims for probable earnings in coasting trade in fall of 1887	2,000
For probable net earnings in season of 1888.....	6,000

No. 8, *Dolphin*, seized in 1887:

Claims for probable earnings in fall of 1887.....	2,000
Claims for probable net earnings in season of 1888	7,000

No. 10, *Ada*, seized in 1887:

Probable earnings in fall of 1887.....	2,000
Probable earnings for season of 1888	6,000

Total.....	71,200
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These items it will be noticed are in addition to the items of "probable catch," or "estimated catch" for the seasons in which the respective vessels were seized.

Nothing can more fully illustrate the wholly speculative character of this class of claims than a consideration of these items in the light of the indisputable facts.

The *Carolina*, *Thornton*, *Onward*, *Grace*, *Anna Beck*, *Dolphin*, and *Ada* were seized and decrees of forfeiture rendered against them by the United States district court for the district of Alaska, and the *Carolina*, *Onward*, and *Thornton* were left to go to pieces in the harbor of Onalaska;¹ and the *Dolphin*, *Grace*, *Anna Beck*, and *Ada* were sold under decrees of that court, while the *Sayward* was released on a bond given by her owners a year or more after the decree of forfeiture was entered.

These seizures were in effect a conversion of these vessels at the time of the seizure, and, with the exception of the *Sayward*, their capacity to earn anything for their owners ended with the seizure. The measure of compensation to the owners was therefore the value of the property taken at the time it was taken, perhaps with interest from the time of taking. The owners were dispossessed by the seizure, and their interest in the property merged in their claim for compensation, if they have any such claim; and no claim can therefore accrue to them for the possible future earnings of the vessels.²

¹ Declarations of James Douglas Warner, Case of Her Majesty's Government, Schedule of Claims, pp. 3, 6, 12.

² Sedgwick on Measure of Damages, 6th ed. 583; Conrad v. Pacific Insurance Company, 6 Peters U. S., 262-282; The Ann Caroline, 2 Wall., 22 U. S. 538; Smith et. al. v. Coudry, 1 How. U. S., 28-34; Wood's Mayne on Damages, 3 Eng. and 1st Am. ed., p. 486.

In *Sutherland on Damages*, vol. I, p. 173 (now a standard authority in the courts of the United States), the rule is stated as follows:

The value of the property constitutes the measure or an element of damages in a great variety of cases both of tort and contract; and where there are no such aggravations as call for or justify exemplary damages, in actions in which such damages are recoverable, the value is ascertained and adopted as the measure of compensation for being deprived of the property, the same in actions of tort as in actions upon contract. In both cases the value is the legal and fixed measure of damages and not discretionary with the jury. * * * * And, moreover, the value is fixed in each instance on similar considerations at the time when by the defendant's fault the loss culminates. (Grand Tower Co. *vs.* Phillips, 23 Wall., 471. *Owen vs. Routh*, 14 C. B., 327.)

To recapitulate: None of the items of these several claims for "estimated catch," or "probable catch," for the season or voyage in which the seizures took place can be considered, because they are in the nature of prospective profits, and fall within the rule adopted by the tribunal in the Alabama Claims, and the other authorities cited; and all the items for the probable earnings of these arrested vessels, subsequent to the seizure, fall within the same objection of uncertainty and contingency, and the further objection that the conversion of the property was completed by the seizure, and the owners' only remedy was for the value of the property so seized at the time of the seizure.

But, if the Tribunal for any reasons shall deem itself required to pass upon these items or find any facts involved therein, except that of their invalidity, we then briefly submit that the "estimated" and "probable catches" are altogether overstated and extravagant.

In the declaration of James Douglas Warren, in support of the claims in behalf of the alleged owner of the *Sayward*, *Anna Beck*, *Grace*, and *Dolphin*, he states that the estimate is made on the basis of three hundred and fifty skins taken by each boat and canoe for the full season.¹

In the report of the British Commissioners, forming part of the British case,² it is shown that the average catch per canoe or boat for the British sealers for the same year was 164 seals, or less than one-half of Capt. Warren's average; and in the same paragraph, the British Commissioners say:

The actual success of individual sealing vessels of course depends so largely upon the good fortune or good judgment which may enable them to fall in with and follow considerable bodies of seals, as well as

¹ Case of Her Majesty's Government, Schedule of Claims, pp. 18, 22, 25, 29.

² Report of Br. Com., sec. 407, p. 74.

on the weather experienced, that the figures representing the catch compared to the boats or whole number of men employed constitute a more trustworthy criterion than any general statements.¹

We may, therefore, safely say that if conjecture, based upon any rule of averages, is to be resorted to for the purpose of attempting to approximate the probable catches of these vessels, the British Commissioners have given far more reliable data than that furnished by these claimants.

The fallacy of these "estimates" is also shown in another way. We open the schedule of the British claims at random and take the claim growing out of the seizure of the *Minnie*, No. 19.² It seems, from the declaration accompanying the claim, that she left Victoria the fore part of May on a sealing voyage in the North Pacific Ocean and Bering Sea. She entered Bering Sea on the 27th of June, at which time she had caught 150 seals. She hunted seals in the Bering Sea until July 15, during which time she had taken 270 skins, which was at the rate of 15 skins per day. She was seized on the 15th of July; leaving her 16 days of July and 16 in August, making 32 days in all of her sealing season, during which time she would have caught, at the rate of 15 per day, 480 seals; to which adding the 420 she had taken previously, makes a total catch for the sealing season of 900; while her "estimated catch" is 2,500 seals for the season.

Take also the claim of the *Ada*, No. 10.³ She entered Bering Sea, as is shown by the declaration accompanying the claim, about the 16th day of July, 1887, and continued sealing in the said sea until the 25th day of August, which was beyond the time when skins taken are considered merchantable,⁴ and within two weeks of the time when, as the British Commissioners admit,⁵ the sealing season closes, and yet her entire catch up to that time was only 1876 skins, while the "estimated" or "probable catch" is put at 2876.

The value and tonnage of these vessels is also largely overstated, as is shown by the tables submitted with the Counter Case of the United States,⁶ and the value of several of the vessels seized was ascertained by sworn appraisers of the District Court of Alaska and shown to be much lower than the value stated in this schedule of claims.⁷ That these

¹ Report of Br. Com., p. 73, sec. 407.

² Case of Her Majesty's Government, Schedule of Claims, p. 56.

³ *Ibid.*, p. 34.

⁴ Counter Case of the United States, Appendix, pp. 357, 376, 384.

⁵ Report of Br. Com., sec. 212.

⁶ Counter Case of the United States, Appendix, pp. 339, *et seq.* by Google

⁷ *Ibid.*, pp. 329-38.

appraisals were fair and showed the substantial and fair value of the property is evidenced by the fact that, although the owners of the vessels had the privilege of releasing them upon bonds, none of them, except the *Sayward*, were so released, although application was made to have their valuation reduced in order that the owners might give bonds.¹

We might follow the analysis of different items of these claims and successfully show that they are all very much exaggerated, but do not deem it necessary to do so, because we feel sure the members of this Tribunal will take notice of the fact that individuals in making claims against a government, whether it be their own or a foreign government, invariably expand these claims to the largest amount their consciences will possibly tolerate.

H. W. BLODGETT.

¹ Senate Doc. 106, 50th Cong., Second Sess., pp. 28, 74.

SIXTH.

SUMMARY OF THE EVIDENCE.

To the end that the High Contracting Parties should become fully informed of all the facts bearing upon the differences between them, and as a right method of securing evidence as to those points touching which a dispute might exist, it was stipulated by Article IX of the Treaty that two Commissioners on the part of each Government should be appointed to make a joint investigation and to report, in order that such reports and recommendations might in due form be submitted to the Arbitrators, should the contingency therefor arise.

The Commissioners were duly appointed in compliance with this provision of the Treaty, and so far as they were able to agree, they made a joint report, which is to be found at page 307 of the Case of the United States. It will be seen from this joint report that the Commissioners were in thorough agreement that, for industrial as well as for other obvious reasons, it was incumbent upon all nations, and particularly upon those having direct commercial interests in fur-seals, to provide for their proper protection and preservation. They were also in accord as to the fact that since the Alaska purchase a marked diminution of the number of seals on and habitually resorting to the Pribilof Islands had taken place; that this diminution was cumulative in effect and was the result of excessive killing by man. Beyond this the Commissioners were unable, by reason of considerable difference of opinion on certain fundamental propositions, to join in a report, and they therefore agreed that their respective conclusions should be stated in several reports which, under the terms of the Treaty, might be submitted to their respective Governments.

The United States have submitted, with the report of their Commissioners, a voluminous mass of testimony which appears to have been elicited from all classes of persons who, by their education, residence, training, etc., might be enabled to give information of practical value and of a reliable character to the contracting governments. It has

been the intention, in procuring evidence, to follow, as closely as the circumstances permitted, the principles and methods obtaining in both countries in litigation between private parties, and although it was not possible to produce each witness before a magistrate and tender him for cross-examination, in every instance the name, the residence, and the profession or business of the witness has been given, and in every instance the witness has sworn to the truth of his deposition. This method of performing their functions may be favorably contrasted with the course which the Commissioners of Great Britain thought it incumbent upon or permissible for them to pursue. In very few instances have they seen fit to give the name of their informant or to place it in the power of the United States to test the reliability of the source from which they had derived their knowledge, real or supposed. But they have presented a great mass of statements of their own, evidently based in a great measure upon conjecture, much of it directly traceable to manifest partiality, and marked, to a singular degree, by the exhibition of prejudice against the one party and bias in favor of the other. The extent to which this has been carried must, in the eyes of all impartial persons, deprive it of all value as evidence.

How far counsel for the United States are justified in making this sweeping criticism upon the work of the British Commissioners will appear hereafter, when detailed attention is given to the result of their labors. The adoption of such a course is the more to be regretted as it was evidently the purpose and object of the British Government that an entirely different investigation should be carried out by its agents; nor had that Government hesitated to express its earnest desire that the *actual facts* should be given and that the investigation should be carried on with a strict impartiality. It is certain that the Commissioners were warned in clear language that "great care should be taken to sift the evidence that was brought before them." (See instructions to the British Commissioners, page 1 of their Report).

In attempting to lay before this distinguished Tribunal the facts that may enlighten its judgment, the counsel for the United States propose to show what facts are established, substantially without controversy, and wherein their contention in case of difference is sustained by unmistakable preponderance of proof. For the purpose of facilitating the labors of this body, they propose to treat every topic of special importance separately and to produce the evidence which has a bearing upon the discussion of its merits.

I.—THE GENERAL NATURE AND CHARACTERISTICS OF THE FUR-SEAL.

It is unfortunate that even upon so familiar a subject and one so often treated as the seal, its nature, and habits, there should be a wide divergence between the American and British Commissioners. In fact, it would seem that the animal observed by the Commissioners from Great Britain was an entirely different animal from that considered and studied by the Commissioners appointed by the United States. This is the more remarkable because for more than a century a multitude of observers, scientists, government agents, and overseers have been giving their attention to the nature, habits, and life of the fur-bearing seal, the best method of protecting the animal from destruction, and the wisest course to secure an annual increase for the purposes of commerce; the reason for which the supply of these valuable creatures has diminished; the number of animals yearly killed, etc. They certainly by this time ought to have become fairly ascertained and known and to be placed beyond the reach of discussion or dispute, and so, in fact, they seem to be. There has been a general concurrence among the observers referred to, as complete as may be found among the same class of persons in relation to the nature and habits of ordinary domestic animals.

But it has become apparent that the British Commissioners have in their separate report thought fit to make an elaborate defense of the practice of pelagic sealing and to have imparted to their investigations and the formulation of their conclusions so strong a desire to protect the supposed interests of their people as to lead them to most extraordinary conclusions; indeed, this unfortunate result seemed almost inevitable, the premises upon which they started being conceded. To defend pelagic sealing, the main feature of which consists of slaughtering gravid females or nursing mothers, it was almost inevitable that some fundamental mistakes should be made as to the nature and habits of the animals and that statements should be adopted and theories advanced which, upon their face, are utterly unworthy of countenance or respect. The animal discovered by the British Commissioners might be defined to be a mammal essentially pelagic in its natural condition and which might be entirely so if it chose to be; an animal, too, which is gradually assuming that exclusive character. Coition takes place very frequently and more naturally in the water. It is a polygamous animal and when on land exhibits extreme jealousy to guard its harem,

but whether this disposition is preserved and exhibited in the water, and how or whether this is a disappearing trait, does not appear. Two pups are not infrequently dropped at a birth, and the mothers, with a generous disregard for the ordinary rules of maternity in nature, suckle their own when it is convenient, but take up other pups indifferently, provided the strange offspring does not betray the odor of fresh milk. By this indiscriminate display of maternal instinct the generality of pups are supported until they are able to procure their own food. The loss of an individual mother becomes in consequence of this a matter of small moment, and, to make the peculiarity of the animal especially remarkable, it is said to abstain, during several weeks of the nursing period, from seeking food for itself and for the young offspring that would generally be supposed to drain its vitality. Such is the seal and such are the habits, especially of the females, as seen and described by the British Commissioners.

The expression of an opinion so directly in conflict with those generally received would seem to require the most cogent proofs. Reliable authorities should be cited and their names given. Hazardous conjectures should be wisely laid aside; ignorant, hasty, and prejudiced gossip should be treated as it deserves, and some effort made to reconcile individual observation with generally accepted and accredited facts.

The counsel for the United States have no hesitation in saying that if the question to be decided were one in which the common-law rules of evidence prevalent in both parties to the Treaty were applied, they would respectfully insist, with much confidence, that there is *no dispute* really as to the main facts in this case. A controversy as to facts in the juridical sense implies an assertion on the one side and a contradiction on the other; but contradictions can not be predicated on statements unauthenticated by proof and unsupported by general experience. It would suffice to show that the Report of the Commissioners from Great Britain simply presents the assertions and conjectures of gentlemen who, however respectable their character may be, were not called upon to express, and are not justified in laying down conclusions, except in so far as they have reached them by an examination into actual facts, the sources of which both Governments would be entitled to consider. Justice to the disputants, as well as a proper respect for the Tribunal, would seem to dictate this necessity of avoiding the rash expression of conjectures generally unsupported, but occasionally founded on other

like conjectures emanating from ignorance and hasty observers whose names are not infrequently withheld.

It may, however, facilitate the learned Arbitrators in inquiries into the facts referred to, to indicate the nature of the evidence bearing upon the different points respectively and the places where it may be found. It is believed that nothing more is requisite. Of matters not in any manner drawn in question, little or no notice will be taken.

II.—THE DIFFERENCE BETWEEN THE ALASKAN AND THE RUSSIAN FUR-SEALS.

The marked differences between the Alaskan and the Russian seals are such as to be plainly and readily discernible to persons familiar with the two herds and their characteristics. This once established would naturally prove that there is no commingling of the respective herds. But we are not left to inference upon this point, and may confidently claim that the proposition is affirmatively established by testimony respectable and creditable in itself, while it is wholly uncontradicted by proof.

This is the statement in the Case of the United States:

The two great herds of fur-seals which frequent the Bering Sea and North Pacific Ocean and make their homes on the Pribilof Islands and Commander (Komandorski) Islands, respectively, are entirely distinct from each other. The difference between the two herds is so marked that an expert in handling and sorting seal skins can invariably distinguish an Alaskan skin from a Commander skin. In support of this we have abundant and most respectable testimony. Mr. Walter E. Martin, head of the London firm of C. W. Martin & Co., which has been for many years engaged in dressing and dyeing seal skins, describes the difference as follows: "The Copper Island (one of the Commander Islands) skins show that the animal is narrower in the neck and at the tail than the Alaska seal and the fur is shorter, particularly under the flippers, and the hair has a yellower tinge than the hairs of the Alaska seals."

In this statement he is borne out by Snigeroff, a native chief on the Commander Islands and once resident on the Pribilof Islands.

C. W. Price, for twenty years a dresser and examiner of raw seal-skins, describes the difference in the fur as being a little darker in the Commander skin. The latter skin is not so porous as the Alaskan skin, and is more difficult to unhair. The difference between the two classes of skins has been further recognized by those engaged in the seal-skin industry in their different market value, the Alaska skins always being held from 20 to 30 per cent more than the "Coppers" or Commander skins. This difference in value has also been recognized by the Russian Government.

(A) THE HERDS ARE DIFFERENT.

Mr. George Bantle (p. 508, Appendix to Case of the United States, Vol. II), one of the witnesses upon this point, is a packer and sorter of raw furkins. He had been in that business, at the time of testifying, twenty years, and had handled many thousands of skins. He says:

I can tell by examining a skin whether it was caught in season or out of season, and whether it was caught on the Russian side or on the American side. A Russian skin is generally coarser, and the under wool is generally darker and coarser, than the skins of seals caught on the American side. A Russian skin does not make as fine a skin as the skins of the seals caught on the American side, and are not worth as much in the market. I can easily distinguish one from the other.

Mr. H. S. Bevington, M. A. (*ibid.*, p. 551), a subject of Her Britannic Majesty, forty years of age, the head of the firm of Bevington & Morris, 28 Common street, in the city of London, was sworn and testified upon the subject. His testimony is interesting, and may be found at page 550, Volume II, of the Appendix to United States Case. Upon the subject of the variations observable, he says:

That the differences between the three several sorts of skins last mentioned are so marked as to enable any person skilled in the business or accustomed to handle the same to readily distinguish the skins of one catch from those of another, especially in bulk, and it is the fact that when they reach the market the skins of each class come separately and are not found mingled with those belonging to the other classes. The skins of the Copper Island catch are distinguished from the skins of the Alaska and Northwest catch, which two last-mentioned classes of skins appear to be nearly allied to each other and are of the same general character, by reason of the fact that in their raw state the Copper skins are lighter in color than either of the other two, and in the dyed state there is a marked difference in the appearance of the fur of the Copper and the other two classes of skins. This difference is difficult to describe to a person unaccustomed to handle skins, but it is nevertheless clear and distinct to an expert, and may be generally described by saying that the Copper skins are of a close, short and shiny fur, particularly down by the flank, to a greater extent than the Alaska and Northwest skins.

Joseph Stanley-Brown (*ibid.*, p. 12) a geologist of distinction, residing at Mentor, Ohio, was commissioned by the Secretary of the Treasury to visit the Pribilof Islands for the purpose of studying the seal life found thereon; he spent one hundred and thirty days in actual investigation and study of the subject. While he does not claim to have become an expert in that time as to the various and distinguishing

characteristics of the animals, he stated the result of his efforts to ascertain the truth in this respect:

I learned that fur-seals of the species *Callorhinus ursinus* do breed and haul out at the Commander Islands and "Robben Reef," *but the statements made to me were unanimous* that they are a separate herd, the *peculiarities* of which is readily distinguished from that of the Pribilof herd, and that the two herds do not intermingle.

Isaac Liebes, a fur merchant of twenty-three years standing, residing at San Francisco, claims to have handled more raw fur-seal skins than any other individual in the United States or Canada and more than any firm or corporation except the lessees of the sealeries of the Pribilof and Commander Islands. His whole deposition, based as it is upon long practice and experience, may be read with profit. On the subject of the differences between the skins of animals belonging to the respective herds, he says: (*ibid.*, p. 445.)

The seals to which I have reference are known to myself and to the trade as the Northwest Coast seals, sometimes called "Victorias." *This herd belongs solely to the Pribilof Islands*, and is easily distinguishable by the fur from the fur-seals of the other northern rookeries, and still easier from those of the south. *All expert sealskin assorters are able to tell one from the other of either of these different herds. Each has its own characteristics and values.*

To the same effect is the deposition of Sidney Liebes, a fur dealer of San Francisco. He had been engaged in the fur business for the last six years, at the time of testifying. He testified in substance, as did the other witnesses, as follows (*ibid.*, p. 516):

My age is 22. I reside in San Francisco, and am by occupation a furrier, having been engaged in that business for the last six years. I have made it my business to examine raw seal-skins brought to this city for sale, and am familiar with the different kinds of seal-skins in the market. I can tell from an examination of a skin whether it has been caught on the Russian or American side. I have found that the Russian skins were flat and smaller, and somewhat different in color in the under wool, than those caught on the American side. In my opinion they are of an inferior quality. The Alaska skins are larger and the hair is much finer. The color of the under wool is also different. I have no difficulty in distinguishing one skin from the other. I am of opinion that they belong to an entirely separate and distinct herd. In my examination of skins offered for sale by sealing schooners I found that over 90 per cent were skins taken from females. The sides of the female skins are swollen, and are wider on the belly than those of males. The teats are very discernible on the females, and it can be plainly seen where the young have been suckling. The head of the female is also much narrower.

Mr. Thomas F. Morgan was the agent, in 1891, of the Russian SealSkin Company of Petersburg. Prior to that time he had been engaged in seal fishing; he resided several years, as agent of the Alaska Commercial Company, on the Pribilof Islands. His long and varied experience fitted him in an especial manner to testify intelligently on the subject. He says (*ibid.*, p. 61):

The Alaska fur-seal breeds, I am thoroughly convinced, only upon the Pribilof Islands; that I have been on the Alaska coast and also along the Aleutian Islands; that at no points have I ever observed seals haul out on land except at the Pribilof Islands, nor have I been able to obtain any authentic information which causes me to believe such is the case.

The Alaska fur-seal is migratory, leaving the Pribilof Islands in the early winter, going southward into the Pacific and returning again in May, June, and July to said islands. I have observed certain bull seals return year after year to the same place on the rookeries, and I have been informed by natives that have lived on the islands that this is a well-known fact and has been observed by them so often that they stated it as an absolute fact.

It is also interesting to note, from his supplemental sworn statement, that the British Commissioners had *some* testimony to show that there was no identity between the herds (*ibid.*, p. 201):

I was on the Bering Island at the same time that Sir George Baden-Powell and Dr. George M. Dawson, the British representatives of the Bering Sea Joint Commission, were upon said island investigating the Russian sealeries upon the Komandorski Islands; that I was present at an examination, which said Commissioners held, of Sniegeroff, the chief of the natives on the Bering Island, who, prior to the cession of the Pribilof Islands by Russia to the United States, had resided on St. Paul, one of the said Pribilof Islands, and that since that time had been a resident on said Bering Island, and during the latter part of said residence had occupied the position of native chief, and as such, superintended the taking and killing of fur-seals on said Bering Island; that during said examination the Commissioners, through an interpreter, asked said Sniegeroff if there was any difference between the seals found on the Pribilof Islands and the seals found on the Komandorski Islands; that said Sniegeroff at once replied that there was a difference, and on further questioning stated that such difference consisted in the fact that the Komandorski Island seals were a slimmer animal in the neck and flank than the Pribilof Island seals; and further, that both hair and fur of the Komandorski Island seal were longer than the Pribilof Island seal; said Commissioners asked said Sniegeroff the further question whether he believed that the Pribilof herd and Komandorski herd ever mingled, and he replied that he did not.

Mr. John N. Lofstad (*ibid.*, p. 516,) a fur merchant of San Francisco, testifies that he can easily distinguish the Copper Island seal in its

undressed state from that of the Alaskan and Northwest Coast skins. They are of an entirely distinct and separate herd, while those of the Northwest Coast and Pribilof Islands are of the same variety. He says:

I have been in the business for twenty-eight years during which time I have bought large numbers of dressed and undressed fur skins, and I am thoroughly familiar with the business. I can easily distinguish the Copper Island fur-seal skin in its undressed state from that of the Alaskan and Northwest Coast skins. They are of an entirely distinct and separate herd, while those of the Northwest Coast and Pribilof Islands are of the same variety.

To the same effect Mr. Gustave Niebaum (*ibid.*, p. 78), Mr. Niebaum's experience was such as to entitle him to speak as an expert. His opportunities to inform himself thoroughly on all matters connected with sealeries were of the best, and at the same time he had no interest whatever in the sealeries or the seal-skin trade. He is a native of Finland and became an American citizen by the transfer of Alaska to the United States. He was vice-consul of Russia at San Francisco from 1880 to 1891. He says:

I was formerly, as I have stated, interested in the Commander seal islands, as well as those of Alaska. The two herds are separate and distinct, the fur being of different quality and appearance. The two classes of skins have always been held at different values in the London market, the Alaskan bringing invariably a higher price than the Siberian of the same weight and size of skins. I think each herd keeps upon its own feeding grounds along the respective coasts they inhabit.

It may be unnecessary—as it would certainly be monotonous—to multiply citations. Other witnesses, however, testify to the same effect. The American Commissioners have given their names and addresses, as well as their sworn statements. The Arbitrators will, therefore, be enabled to determine whether or not the evidence is, as we claim that it is, absolutely conclusive. In a court of law, such a concensus of opinion and statement made under the sanction of an oath and uncontradicted, save by more or less ingenious but unsustained conjecture, would satisfy the judgment of the most exacting judge. Other depositions equally important may be quoted in addition to the above.

Mr. Walter E. Martin (*ibid.*, p. 569), was, at the time of giving his testimony, a subject of Her Majesty, residing at the city of St. Albans. He had been engaged, on a very large scale, in the business of dress-

ing and dyeing sealskins. He says that if one thousand Copper Island skins were mingled among ninety-nine thousand Alaska skins, it would be possible for any one skilled in the business to extract nine hundred and fifty of the Copper Island skins and to separate them from the ninety-nine thousand and fifty of the Alaska catch, and *vice versa*.

Mr. N. B. Miller (*ibid.*, p. 199). Mr. Miller was at the time of testifying an assistant in the scientific department of the United States Fish Commission steamer *Albatross*. He had made five cruises in Alaskan waters; he says:

The seals of the Commander Islands are grayer in color and of a slighter build throughout the body. The bulls have not such heavy manes or fur capes, the hair on the shoulders being much shorter and not nearly so thick. The younger seals have longer and more slender necks apparently. I noticed this difference between the seals at once.

Mr. John J. Phelan (*ibid.*, p. 518) was a citizen of the United States and a resident of Albany, N. Y. He was 35 years of age at the time of giving his deposition, and since the age of eleven had been in the fur business. His practical and active experience was very large during those twenty-three years. He had noticed the difference in the seals, both in their raw state and during the processes of dressing. He explained minutely the point of difference.

Mr. Henry Poland (*ibid.*, p. 570) was a subject of Her Majesty and the head of the firm of P. R. Poland & Son, doing business at 110 Queen Victoria street, in the city of London. The firm of which he was a member had been engaged in the business of furs and skins for upwards of one hundred years, having been founded by his great-grandfather in the year 1785. His judgment, evidently, is entitled to great respect. He corroborates the other witnesses, and says that the three classes of skins are easily distinguishable from each other by any person skilled in the business. He had personally handled the samples of the skins dealt in by his firm, and would have no difficulty in distinguishing them. In fact, the skins of each of the three classes have different values and command different prices in the market.

Mr. Charles W. Price (*ibid.*, p. 521) is a very expert examiner of raw fur-skins, of San Francisco. He had been engaged in the business twenty years when he was examined by the Commissioners of the United States; he had had a large practical experience. He gives the points of difference between the Russian and American skins, and states, as did Mr. Poland and other witnesses, that the seals on the Russian

side are a distinct and different herd from those on the American side, and are not as valuable.

Mr. George Rice (*ibid.*, p. 572) is another witness whose testimony should command respect. He was fifty years of age and a subject of Her Majesty. He had been engaged actively in the business handling fur-seal skins for twenty-seven years and had acquired a general and detailed knowledge of the different kinds of fur-seal skins and of the differences which distinguish them, as well as the history, character, and manner of conducting the fur-seal sealskin business in the city of London. He says that the differences between the several classes of skins are *very marked*, which enable anybody who is skilled in the business to distinguish the skins of one class from the skins which belong to either of the other classes. He also stated, as did the other experts, that these differences are evidenced by the fact that the skins obtain different prices in the market. The testimony of this gentleman deserves special attention; it is intelligently given and is very instructive.

Mr. Leon Sloss (*ibid.*, p. 90) is a native of California and a resident of San Francisco. He was for several years a director of the Alaska Commercial Company, and a member of the partnership of Louis Sloss & Co., and had been engaged for fifteen years in dealing in wools, hides, and fur-skins. At the time of testifying, he had no interest in seals or sealeries. He had been superintendent of the Alaska sealeries *pro tempore* from 1882 to 1885, inclusive, and spent the sealing season of those three years on the Pribilof Islands in the personal management of the business. He became acquainted, as he testifies, with every aspect of the business. All advices from the London agents and information in regard to the sealskin market, from all sources, passed through his hands, and instructions to agents of the company in regard to the classes of skins desired emanated from time to time from him. He was emphatic in his statement that the difference between the Northern and Southern skins that came to the port of San Francisco could be detected at once. While it was not as easy to distinguish the Alaskan from the Asiatic skins, experts in handling them do it with *unerring accuracy*.

Mr. William C. B. Stamp (*ibid.*, p. 574) was 51 years of age at the time of testifying, and a subject of Her Majesty. He was engaged in the business at 38 Knighttrider street, London, E. C., as a fur-skin merchant. He had been engaged in that business for over thirty

years and had personally handled many thousand of fur-seal skins, besides inspecting samples at practically every sale of fur skins made in London during the whole of the time he had been in business. He had thus acquired a general and detailed knowledge of the history of the business and of the character and differences which distinguish the several kinds of skins on the market. He stated it as his judgment that the skins of the several catches are readily distinguishable from each other, and the skins of the different sexes may be as readily distinguished as the skins of the different sexes of any other animal. He added that the difference between the skins of the three catches are so marked that they have always been expressed in the different prices obtained for the skins. He instances the sales on the list, which were as follows: For the Alaska skins, 125 shillings per skin; for the Copper skins, 68 shillings per skin; and for the Northwest, 53 shillings per skin.

Emil Teichmann (*ibid.*, p. 576), was by birth a subject of the Kingdom of Wurtemburg, and had become a naturalized citizen of Her Majesty from the time of reaching his manhood. He was 46 years of age at the time of testifying. He had been engaged in the fur business since 1868, and had resided in England and done business in London. From 1873 to 1880, he had been a member of the firm of Martin & Teichmann, who were then, as its successors C. W. Martin & Son still are, the largest dressers and dryers of sealskins in the world. He had *personally handled many hundreds of thousands of fur-seal skins* and claimed to be, as well he might, an expert on the subject of the various kinds of such skins. His testimony is minute and gives details as to the peculiarities which distinguish the skins. He states that all those differences are so marked as to enable any expert readily to distinguish Copper from Alaska skins, or *vice versa*, although he adds that in the case of very young animals the differences are much less marked than in the case of adults.

George H. Treadwell (*ibid.*, p. 523), at the time of testifying, was 55 years of age. He was a citizen of the United States and a resident of Albany County, in the State of New York. His father, George C. Treadwell, in 1832, started a wholesale fur business of a general character, and his son, the witness, became associated with him in 1858, and upon his death, which occurred in 1885, he succeeded to the business. That business is now conducted under the name of The George C. Treadwell Company, a corporation formed under the

laws of the State of New Jersey, of which corporation the deponent is president. He entirely agrees with what Mr. Phelan says concerning his experience in the handling and dressing of skins, and from what he knows of his character and ability he believes that everything stated by him in his affidavit is correct.

Henry Treadwell (*ibid.*, p. 524), at the time of testifying, was 70 years of age and resided in the city of Brooklyn, in the State of New York. He was a member of the firm of Treadwell & Company, which had been dealing in furs since 1832; they bought, dressed and dyed annually from 5,000 to 8,000 skins. Mr. Treadwell was very emphatic in his statement that the skins of the three catches are readily distinguishable. He stated that he would be able, himself, on an examination of the skins as they are taken from the barrels, to detect at once in a barrel of Alaska skins the skins of either the Copper or the northwestern catch.

William H. Williams (*ibid.*, p. 93) is a citizen of the United States, residing at Wellington, Ohio, and was at the time of testifying the United States Treasury Agent in the charge of the seal islands in Bering Sea. As such and in pursuance of Department instructions, he made a careful examination of the habits and conditions of the seals and seal rookeries, with a view of reporting to the Department his observations. He says, agreeing in this with the numerous other witnesses whose testimony is above given, that the skins of the three catches are readily distinguishable from each other. He also states that the differences are clearly evinced in the prices which have always been obtained for the sealskins of the three catches. For instance, the skins of the Alaska catch were then commanding 20 or 30 per cent better prices than the skins of the Copper catch. This difference is also recognized by the Russian Government, who leased the privilege of catching upon the Commander Islands upon terms 25 per cent less than the terms of the United States for the leased catch upon the Pribilof Islands.

Mr. Maurice Windmiller (*ibid.*, p. 550) was a furrier doing business in San Francisco, in which business he had been engaged all his life, his father having been a furrier before him. He was 46 years of age and claimed to be an expert in dressed and undressed, raw and made-up furs, and a manufacturer and dealer in the same. He was also of opinion that the Russian seal belonged to an entirely different herd from those of the American side, and testified that their skins had such peculiar characteristics that it was not difficult to separate them.

(B) THE ALASKAN DOES NOT MINGLE WITH THE RUSSIAN HERD.

The statement in the Case (p. 99) is in the following words:

The Commander Islands herd is evidently distinct and separate from the Pribilof Islands herd. Its home is the Commander group of islands on the western side of Bering Sea, and its line of migration is westward and southward along the Asiatic coast. To suppose that the two herds mingle and that the same animal may at one time be a member of one herd and at another time of the other is contrary to what is known of the habit of migrating animals in general.

This statement is based on the report of the American Commissioners (page 323 of the Case of the United States), which report states the conclusion reached by them in the following language:

The fur-seals of the Pribilof Islands do not mix with those of the Commander and Kurile Islands at any time of the year. In summer, the two herds remain entirely distinct, separated by a water interval of several hundred miles, and in their winter migrations those from the Pribilof Islands follow the American coast in a southeasterly direction, while those from the Commander and Kurile Islands follow the Siberian and Japan coasts in a southwesterly direction, the two herds being separated in winter by a water interval of several thousand miles. This regularity in the different herds is in obedience to the well-known law that *migratory animals follow definite routes in migration and return year after year to the same places to breed*. Were it not for this law, there would be no such thing as stability of species, for interbreeding and existence under diverse physiographic conditions would destroy all specific characters.

The testimony in support of this proposition seems to be conclusive and certainly must stand until the learned counsel for the Government of Her Majesty succeed in producing the evidence of witnesses who are able and willing to express a different view.

It can not be expected that the witnesses shall speak in the same positive and unqualified manner upon this matter, which, to some extent, must be predicated upon conclusions drawn from facts, as they would and do upon the actual and observable differences between the two families of seals. But it will be found that the testimony is the best obtainable under the circumstances and can leave no reasonable doubt in the minds of impartial persons that the two herds are distinct, that they follow definite routes in migration, and that they return year after year to the same place to breed and never intermingle.

Mr. John G. Blair (Appendix to Case of the United States, Vol. II, p. 193) was at the time of deposing an American citizen, 57 years of age, and had been for fourteen years previous and until recently master

of the schooner *Leon*, then employed by the Russian Sealskin Company. He had been constantly engaged in the fur-sealing industry and was familiar with the habits of these animals, both on the land and in the water. He was in charge of and attended to the killing of seals on Robben Island for the lessees from 1878 to 1885, taking from 1,000 to 4,000 seals per annum. With the exception of two years, when he was sealing on the Commander Islands, he had visited Robben Island every year from 1878 to 1885. His testimony upon this point is as follows:

I am told and believe that the Robben Island seals can be distinguished by experts from those on the Commander Islands, and am satisfied that they do not mingle with them and are a separate and distinct herd. They remain on and about the islands in large numbers until late in the fall. I have been accustomed to leave in October or early November, and seals were always plentiful at that time. I am of opinion that they do not migrate to any great distance from the island during the winter. A few hundred young pups are caught every winter by the Japanese in nets off the north end of Yesso Island. I have made thirty-two voyages between the Aleutian Archipelago and the Commander Islands, but have never seen seals between about longitude 170 west and 165 east. I am satisfied that Alaska seals do not mix with those of Siberia. I have seen seals in winter and known of their being caught upon the Asiatic side as far south as 36 north latitude.

William H. Brennan (*ibid.*, p. 358): Mr. Brennan, at the time of testifying, resided at Seattle, in the State of Washington. He was an English subject by birth and had spent the best part of his life in the close study of the inhabitants of the sea, including seals and the modes of capturing them. He had passed his examination as second mate in London in 1874, and had been to Australia, China, and Japan. In the last country he had remained several years. Since that time he has followed the sea as sailing captain, pilot, and quartermaster on vessels sailing out of Victoria, British Columbia. He testified as follows:

In my opinion, fur-seals born on the Copper, Bering, or Robben islands will naturally return to the rookery at which they were born. The same thing is true of those born on the St. Paul or St. George islands. No vessel, to my knowledge, has ever met a band of seals in midocean in the North Pacific. I have crossed said water on three different occasions, and each time kept a close lookout for them. The greater part of the seals that we find in the North Pacific Ocean are born on the islands in Bering Sea. Most of them leave there in October and November.

O. H. Anderson (*ibid.*, p. 205): Mr. Anderson was a master mariner by occupation, residing in San Francisco, and had been sailing in Alaskan waters since 1880. He says:

I think the Commander Islands seals are a different body of seals altogether from those of the Pribilofs, and that the two herds never mingle. I think the Commander Islands herd goes to the southward and westward toward the Japanese coast. I never knew of fur-seals hauling out to rest or breed at any place in the Aleutian chain, or anywhere, in fact, except the well-known rookeries of the several seal islands of Bering Sea.

Charles Bryant (*ibid.*, p. 4): Mr. Bryant, at the time of testifying, was 72 years of age and had resided in Plymouth County, Massachusetts. From 1840 to 1858 he had been engaged in whaling in the North Pacific Ocean or Bering Sea. During the latter portion of the time he commanded a whaling vessel. In 1868 he was appointed as Special Treasury Agent to go to the Pribilof Islands to investigate and to report as to the habits of the fur-seal, the conditions of the islands and the most advantageous plan to adopt for the government and management of the same. He remained on St. Paul Island from March, 1869, to September of that year. He returned July, 1870, and remained until the fall of 1871. Then in April, in 1872, he again arrived on St. Paul Island as Special Agent of the Treasury Department in charge of the seal islands, and he spent there the sealing seasons from 1872 to 1877, inclusive, and three winters, namely, 1872, 1874, and 1876, since which time he has lived in retirement at Mattapoisett, Plymouth county, Massachusetts. His testimony upon this point is as follows:

The Alaska fur-seal breeds nowhere except on the islands. I took particular care in investigating the question of what became of the seal herd while absent from the islands. My inquiries were made among the Alaskan Indians, half-breeds, Aleuts, and fur-traders along the Northwest Coast and Aleutian Islands. One man, who had been a trapper for many years along the coast, stated to me that in all his experience he never knew of but one case where seals had hauled out on the Pacific coast, and that was when four or five landed on Queen Charlotte Island. This is the only case I ever heard of seals coming ashore at any other place on the American side of the Pacific, except the Pribilof Islands. These seals are migratory, leaving the islands in the early winter and returning again in the spring. The Pribilof herd does not mingle with the herd located on the Commander Island. This I know from the fact that the herd goes eastward after entering the Pacific Ocean, and from questioning natives and half-breeds, who have resided in Kamschatka as employés of the Russian Fur Company, I learned that the Commander herd on leaving their island go southwestward into the Okhotsk Sea and the waters to the southward of it and winter there. This fact was further verified by whalers who find them there in the early spring.

The Alaskan seals make their home on the Pribilof Islands because they need for the period they spend on land a peculiarly cool, moist, and cloudy climate, with very little sunshine or heavy rains. This peculiarity of climate is only to be found on the Pribilof and Commander

islands, and during my long experience in the North Pacific and Bering Sea I never found another locality which possessed these conditions so favorable to seal life. Add to this fact the isolated condition of the seal islands and we can readily see why the seal selected this home.

Mr. Alfred Fraser (*ibid.*, pp. 554, 558) is another witness to whose testimony exceptional importance should be attached. He was of opinion that the herds from which skins are obtained do not in fact intermingle with each other, because the skins classified under the head of Copper catch are not found among the consignment of skins received from the Alaska catch, and *vice versa*. His testimony is quoted at some length, and is as follows:

That he is a subject of Her Britannic Majesty and is 52 years of age and resides in the city of Brooklyn, in the State of New York. That he is a member of the firm of C. M. Lampson & Co., of London, and has been a member of said firm for about thirteen years; prior to that time he was in the employ of said firm and took an active part in the management of the business of said firm in London. That the business of C. M. Lampson & Co. is that of merchants, engaged principally in the business of selling skins on commission. That for about twenty-four years the firm of C. M. Lampson & Co. have sold the great majority of the whole number of sealskins sold in all the markets of the world. That while he was engaged in the management of the business of said firm in London, he had personal knowledge of the character of the various sealskins sold by the said firm, from his personal inspection of the same in their warehouse and from the physical handling of the same by him. That many hundred thousands of the skins sold by C. M. Lampson & Co. have physically passed through his hands; and that since his residence in this country he has, as a member of said firm, had a general and detailed knowledge of the character and extent of the business of said firm, although since his residence in the city of New York he has not physically handled the skins disposed of by his firm.

* * * * *

Deponent is further of the opinion, from his long observation and handling of the skins of the several catches, that the skins of the Alaska and Copper catches are readily distinguishable from each other, and that the herds from which such skins are obtained do not in fact intermingle with each other because the skins classified under the head of Copper catch are not found among the consignments of skins received from the Alaska catch, and *vice versa*.

Deponent further says that the distinction between the skins of the several catches is so marked that in his judgment he would, for instance, have had no difficulty, had there been included among 100,000 skins in the Alaska catch 1,000 skins of the Copper catch, in distinguishing the 1,000 Copper skins and separating them from the 99,000 Alaska skins, or that any other person with equal or less experience in the handling of skins would be equally able to distinguish them. And in the same way deponent thinks, from his own personal experience in handling skins, that he would have no difficulty whatever in separating the skins

of the Northwest catch from the skins of the Alaska catch by reason of the fact that they are the skins almost exclusively of females, and also that the fur upon the bearing female seals is much thinner than upon the skin of the male seals, the skin of the animal while pregnant being extended and the fur extended over a large area.

Charles J. Hague (*ibid.*, p. 207): Capt. Hague is a citizen of the United States and a master mariner by occupation. He had cruised steadily in Alaskan waters since the year 1878. He had sailed principally about the various parts of the Aleutian Islands, as far west as Attu, to which island he had made about twenty trips from Unalaska, principally in the spring and fall of the year. This is his testimony upon the point now under consideration:

The main body of the fur-seal herd bound to and from the Pribilof Islands move through the passes of the Fox Islands, Unimak on the east and the West Pass of Unimak on the west, being the limits between which they enter Behring Sea in any number. I do not know through what passes the different categories move or the times of their movements. Rarely see fur-seals in the Pacific between San Francisco and the immediate vicinity of the passes. I think the fur-seal herds of the Commander and Pribilof Islands are separate bodies of the fur-seal species, whose numbers do not mingle with each other. In the latter part of September, 1867, in the brig *Kentucky*, making passage between Petropavlovski and Kodiak, I observed the Commander Islands seal herd on its way from the rookeries. They moved in a compact mass or school, after the manner of herring, and were making a westerly course towards the Kurile Islands. The seals which I have observed on their way to the Pribilof Islands do not move in large schools; they struggle along a few at a time in a sort of a stream and are often seen sleeping in the water and playing. There are no fur-seal rookeries in the Aleutian Islands that I know of; in fact, I have never heard of any in the region besides those on the several well-known Seal Islands of Bering Sea.

H. Harmsen (*ibid.*, p. 442): Capt. Harmsen had been the master of a ship since 1880 and engaged in the business of hunting seals in the Pacific and Bering Sea since 1877. The following is an abstract from his testimony:

Q. In your opinion, do the seals on the Russian side intermingle with those on the Pacific side or are they a separate herd?—A. No, sir; they do not come over this way. They are not a different breed, but they keep over by themselves; at least I don't think so. They follow their own stream along there. There is so much water there where there are seals, and so much where there are not. They are by themselves.

Samuel Kahoorof (*ibid.*, p. 214): Kahoorof is a native of Attu Island, 52 years of age, and a hunter of the sea otter and blue fox. He had lived

in the same place all his life. We extract that part of his testimony which bears upon the question now under immediate consideration:

Have seen only three fur-seals in this region in twenty years. Saw them in May, 1890, traveling along the north side of Attu Island, about 5 miles off shore, and making a northwesterly course. They were young males, I think. Fur-seals do not regularly visit these islands now, but about twenty-five or thirty years ago I used to see small squads of large seals during the month of June feeding and sleeping about the kelp patches off the eastern shores of Attu and Agattu Islands. They came from the southward and traveled in a northwesterly direction. Never saw any fur-seals east of the Semichi Islands and do not think that those of the Commander Islands herd go farther to the eastward than that. They decreased in numbers gradually, and during the last twenty years I have only seen the three above mentioned. Have never seen a nursing or mother cow or black or gray pup in this region, and do not think they ever visit it.

John Malowansky (*ibid.*, p. 198): Mr. Malowansky is a resident of San Francisco, an American citizen, but a Russian by birth. He was, at the time of testifying, a merchant by profession and an agent for the Russian Sealskin Company. He resided on the Commander Islands in 1869, 1870, and 1871, and was then engaged in the sealing business. He was there again in 1887, as agent of the company. He formerly lived in Kaintchatka and frequently visited the Commander Islands between 1871 and 1887. He was an expert in all matters relating to the fur-seal trade, especially on the Russian side of the Bering Sea. The following is an extract from his testimony:

The seals of the Commander Islands are of a different variety from those of the Pribilofs. The fur is not so thick and bright and is of a somewhat inferior quality. They form a distinct herd from that of St. Paul and St. George, and in my opinion the two do not intermingle.

I was present as interpreter when the English Commissioners were taking testimony on Bering Island. They examined among others, when I was present, Jefim Snigeroff, Chief of Bering Island, he being the person selected by them there from which to procure the testimony relating to the habits and killing of seals. This Snigeroff testified that he had lived on the Pribilof Islands for many years and knew the distinctive characteristics of both herds (Commander and Pribilof) and their habits and that he removed from thence to Bering Island. He pointed out that the two herds have several different characteristics and stated that in his belief they do not intermingle.

Filaret Prokopief (*ibid.*, p. 216): Prokopief is a native of Attu Island, 23 years of age, and the agent and storekeeper at that place of the Alaska Commercial Company. His occupation was that of hunter for sea-otter and fox, but never for fur-seal. This occupation he pursued until the time when he was made agent. His hunting ground was Attu, Agattu, and the Semichi Islands. This is his testimony:

I never saw but one fur-seal in the water. It was a young male which was killed in this bay in September, 1884. I do not know of any fur-seal rookery or other places where fur-seals haul out on the land to breed or rest in the Aleutian Islands, nor where the old bull fur-seals spend the winter. I do not know at what time or by what routes the seal herds move to and from the Bering Sea; have heard old hunters say the Commander Islands herd used to pass close to the western shores of these islands on their way north.

Eliah Prokopief (*ibid.*, p. 215) is a native of Amchitka Island of the Aleutian chain; 52 years of age; had been a hunter all his life, but had never hunted or killed a fur-seal. His hunting ground was about Attu, Agattu, and the Semichi Islands. His testimony is as follows:

Fur-seals do not regularly frequent these regions, and I have seen none but a few scattering ones in twenty years. Thirty years ago, when the Russians controlled these islands, I used to see a few medium-sized fur-seals, one or two at a time, in the summer, generally in June, traveling to the northwest, and bound, I think, for the Commander Islands. The farthest east I have ever seen them was about 30 miles east of the Semichi Islands; do not think those going to the Commander Islands ever go farther east than that. Those most seen in former times were generally feeding and sleeping about the kelp patches between Attu and Agattu, and the Semichi Islands, where the mackerel abounds. They decreased in numbers constantly, and now are only seen on very rare occasions. Have seen but half a dozen in the last twenty years; they were large seals—bulls, I judged from their size—traveling to the northwest, about 30 miles east of the Semichi Islands. This was in May, 1888.

Have never seen any pups, black or gray, or nursing female seals in this region, and do not think they ever visit it. Do not know of any rookeries in the Aleutian Islands, nor any places where fur-seals haul out regularly on the land or kelp to breed or rest except the Russian and American seal islands of Bering Sea. Do not know where the old bull fur-seals spend the winter, nor what route the fur-seal herds take to and from the Commander and Pribilof islands, nor at what times the herds pass to and from. Am quite sure the herds do not come near enough together to mingle in these regions. Have never known of fur-seals being seen between Amchitka and a point 30 miles east of the Semichi Islands. Do not think there are now as many fur-seals as there were thirty years ago, but do not know the cause of the decrease. Sealing schooners do not regularly visit these islands. Last August (1891) three of them came in here to get water, but only stayed a few hours each; they had been to the Commander Islands and were going south.

Gustave Niebaum (*ibid.*, p. 202): The testimony of Mr. Niebaum has been cited above and his qualifications given. Upon the subject of the alleged or possible commingling of the different herds, he says (*ibid.*, p. 204):

I am satisfied that the seal herds respectively upon the Pribilof group, the Commander Islands and Robben Bank, have each their

own distinctive feeding grounds and peculiar grounds of migration. No doubt they are of the same species, but there is a marked difference in the fur of the skins from the respective places, which can be distinguished by experts.

C. A. Williams (*ibid.*, p. 535): Mr. Williams is a citizen of the United States, a resident of the city of New London, in the State of Connecticut, and was at the time of testifying 63 years of age. He had been largely engaged for a period of upwards of forty years in the whaling and sealing business, in which he had employed upward of twenty-five vessels. He says that there is no intermingling of the herds.

The testimony of Alexander McLean (*ibid.*, p. 436) is to the same effect. Mr. McLean is a master mariner and had been engaged for ten years, at the time of making his deposition, in the business of hunting seals in the Pacific or Bering Sea.

To the like effect is the testimony of Daniel McLean (*ibid.*, p. 443). He, too, is a master mariner, and is of opinion that the Russian and Alaskan herds are different herds of seals altogether. His testimony is as follows:

Q. In your opinion, do the seals on the Russian side intermingle with those on the Pacific side? A. No, sir; I do not think so. They are different seals in my opinion.

It is only just to add that the British Commissioners virtually make the admission that these herds are separate and distinct, although the inference may be drawn, from some of their statements, leading to a contrary conclusion, when the practical question arises in connection with an appreciable difference in the value of skins.

Thus, for instance, the suggestion is made of a *probability* in the future, in a course of years, that a continued "harassing" of one group might result in a corresponding gradual accession to the other, by which it is no doubt intended to convey the idea that unless the killing on the Pribilof Islands is discontinued the seals will migrate and adopt a Russian domicile (Sec. 453).

But the same paragraph admits that "the fur-seals of the two sides of the North Pacific belong in the main to practically distinct migration tracts." They add that it is not believed that any voluntary or systematic movement of fur-seals takes place from one group of breeding islands to the other (Sec. 453). See also section 198 of British Commissioners' report, that "while there is *every reason to believe* that the seals become more or less commingled in Behring Sea during the sum-

mer [a purely gratuitous assumption], the migration routes of the two sides of the North Pacific are essentially distinct." (See also Secs. 170, 198, 216, 220.)

Without any evidence, then, on the side of the United States, it might be asserted, on the Report of the British Commissioners alone, that any intermingling of the two herds is abnormal and exceptional, although these gentlemen are inclined to think that in the remote future this separation may disappear.

(C) THE ALASKAN FUR-SEALS HAVE BUT ONE HOME, NAMELY, THE PRIBILOF ISLANDS. THEY NEVER LEAVE THIS HOME WITHOUT THE ANIMUM REVERTENDI, AND ARE NEVER SEEN ASHORE EXCEPT ON THOSE ISLANDS.

The testimony as to this fact is uncontradicted except by the curious and utterly unsupported statement of the British Commissioners that the animals actually enjoy and occupy two homes; that is, they have a winter domicile, which is not given, except by a vague and general designation (British Commissioners' Report, Sec. 27), and a summer place of resort, which is the Pribilof Islands. *There is no pretense that they ever land elsewhere.* The force of this original suggestion of a double residence would be much increased if the slightest indication were given to enable us to test the accuracy and to aid the Commissioners in satisfying the world of scientists that a grave error has heretofore been committed and continuously accepted. But as we are endeavoring to treat the assertion as seriously and respectfully as possible, we submit that in the face of absolute and uncontradicted proof, corroborated by general scientific experience, we are not bound to devote any considerable space to the demonstration that the fact must be taken to be as we have stated it.

In fairness to the Commissioners for Great Britain, it may be proper to call attention to their own language, noting, however, the singular process by which they make the migration of the seals commence *at an uncertain point in the Pacific* to reach their well-established home and place of nativity in the north.

The absurdity chargeable upon the British Commissioners of thus beginning at an uncertain point to reach a certain one is shown by Capt. Scammon, who has been an officer in the United States Revenue-Marine Service since 1863. Mr. Scammon is also the author of the work entitled "The Marine Mammals of the Northwestern Coast

of North America," published by J. H. Carmany & Co., San Francisco, 1874. He says:

The certainty that the seals caught in the North Pacific are in fact a portion of the Pribilof herd, and that all are born, and reared for the first few months, upon the islands of that group, naturally leads the observer to regard them as quite domesticated and belonging upon their island home. *The more orderly way to describe them, therefore, would be to commence with their birth upon the island and the beginning of their migrations, rather than at the end of some one of their annual rounds away from home.*

We now quote the language of the Report of the British Commissioners:

The fur-seal of the North Pacific Ocean is an animal in its nature *essentially pelagic*, which, during the *greater part of each year*, has no occasion to seek the land and very rarely does so. *For some portion of the year, however, it naturally resorts to certain littoral breeding places, where the young are brought forth and suckled on land.* It is gregarious in habit, and, though seldom found in defined schools or compact bodies at sea, congregates in large numbers at the breeding places. (Sec. 26.)

Then they describe the migrations and continue:

The fur-seal of the North Pacific may thus be said, in each case, to have two habitats or homes between which it migrates, both equally necessary to its existence, under present circumstances, the one frequented in summer, the other during the winter.

Unless the vast expanse of sea between the Aleutian Islands and California may be considered a *winter habitat*, it is difficult to see upon what foundation these gentlemen have felt justified in making the statement of a double home. The object of such an argumentative assertion is too plain to require consideration, at least in connection with this point.

The truth upon this question of habitat or home is as stated by the American Commissioners in their report. They use the following language:

The Pribilof Islands are the home of the Alaskan fur-seal (*Callorhinus ursinus*). They are peculiarly adapted, by reason of their isolation and climate, for seal life, and because of this peculiar adaptability were undoubtedly chosen by the seals for their habitation. The climatic conditions are especially favorable. The seal, while on land, needs a cool, moist, and cloudy climate, sunshine and warmth producing a very injurious effect upon the animals. These requisite phenomena are found at the Pribilof Islands, and nowhere else in Bering Sea or the North Pacific save at the Commander (Komandorski) Islands. (Case of the United States, p. 89.)

What might be the result if the seals were prevented from landing to drop their young at the Pribilof Islands is wholly a matter of conjecture. It would seem from the testimony in the Case quite certain that the pregnant females would lose their young if they were on the point of delivery when reaching the islands, and if driven off by man, or by accident; they certainly would be exposed to great danger while looking for another home, even assuming this exercise of sound judgment *in extremis* to be probable. Such difficulties do not, however, trouble the Commissioners, who are satisfied that if they were to be debarred from reaching the islands now chiefly resorted to for breeding purposes, they would speedily seek out other places upon which to give birth to their young. (Report of British Commissioners, Sec. 28.)

This is based upon "experience recorded elsewhere." We fail to find any such recorded experience which would justify so wild an assertion. On the contrary, it appears that when the heavy females have been debarred by ice from the land they were delivered in the water and the young perished.

The experience of the South Sea seals is directly opposed to this theory. Exclusion from their usual haunts meant destruction. Why did they not when shut off from the resort of their choice seek out a new home, with the proper conditions of climate, soil, and food, to take the place of the old home from which man had driven them? We know of no reasonable theory upon which it may be plausibly argued that the Pribilof seals would, under the like circumstances, act differently.

III.—MOVEMENTS OF THE SEALS AFTER THE BIRTH OF THE YOUNG.

It being conceded that the fur-seals known as the Alaska seals breed, "at least for the most part" (Report of British Commissioners, Sec. 27), on the Pribilof Islands in summer, it becomes important to know what their movements may be after the birth of the young. There is no very material difference between the statements of the Commissioners of the respective governments on this point.

The breeding males begin to arrive on the Pribilof Islands at varying dates in May and remain continuously ashore for about three months, after which they are freed from all duties on the breeding rookeries and only occasionally return to the shores. The breeding females arrive, for the most part, nearly a month later, bearing their young immediately on landing, and remain ashore, jealously guarded by the males, for several weeks, after which they take every opportunity to play in the water close along the beaches, and about a month

later they also begin to leave the islands in search of food and migrate to their winter habitat. The young males and the young females come ashore later than the breeding seals, and at more irregular dates, and haul out by themselves. Lastly, the pups of the year born in June and July commence to pod, or herd together, away from their mothers, towards the middle or end of August, and after that frequent the beaches in great numbers and bathe and swim in the surf. They remain on the islands until October, and even November, being among the last to leave (Report of the British Commissioners, Sec. 30).

The United States Commissioners make the following statement, which is corroborated by abundant evidence. The bulls are the male seals from five or six to twenty years of age, and weigh from *four hundred to seven hundred pounds*. They arrive on the breeding ground in the latter part of April or the first few days of May, but the time is, to a certain extent, dependent upon the going out of the ice about the island. (Case of the United States, p. 108.) Toward the latter part of May or first of June, the cows begin to appear in the waters adjacent to the island and immediately land upon the breeding ground. The great majority, however, do not haul up until the latter part of June, and the arrivals continue until the middle of July.

Some of the bulls at this time (about the first of August) begin to leave the islands, and continue going until the early part of October. [Case of United States, p. 112, citing witnesses as to this point.]

The bachelor seals, or nonbreeding males, ranging in age from 1 to 5 or 6 years, begin to arrive in the vicinity of the islands soon after the bulls have taken up their positions upon the rookeries, but the greater number appear toward the latter part of May. They endeavor to land upon the breeding grounds, but are driven off by the bulls and compelled to seek the hauling grounds.

As to the departure of the seals from their home on the Pribilof Islands, there does not seem to be any question that the statement in the United States Commissioners' Report is correct.

The length of time that a pup is dependent upon its mother, as heretofore stated, compels her to remain upon the island until the middle of November, when the cold and stormy weather induces her to start, her pup being then able to support itself (pp. 119, 120).

The bachelor seals generally leave at the same time as the cows and pups leave the island, though a few bachelors always are found after that period (p. 122 of the case of United States).

The Alaskan herd has had but one breeding place, which is the Pribilof Islands. While there is no express contradiction as to this

in the Report of the British Commissioners, it may be interesting to cite some of the proof in support of this assertion.

(a) The islands are in every particular adapted by climate and conditions to the purpose. While it is suggested, as we have seen above, by the British Commissioners, that the seals would find no difficulty in procuring another suitable place for breeding and for passing the summer months, this is manifestly a conjecture and need not be dwelt upon.

(b) There is no evidence that the animal has ever resorted to other places, but all the evidence before this High Tribunal of Arbitration leads to the inference above stated.

The language of the Case on the part of the United States is as follows (p. 89):

The climatic conditions are especially favorable. The seal, while on land, needs a cool, moist, and cloudy climate, sunshine and warmth producing a very injurious effect upon the animals. These requisite phenomena are found at the Pribilof Islands and nowhere else in Bering Sea or the North Pacific, save at the Commander (Komandorski) Islands.

This is abundantly sustained by the proof. See upon this point the testimony of Charles Bryant (Appendix to Case of the United States, Vol. II, p. 4), Capt. Bryant having been long engaged in whaling and having acted as Special Treasury Agent at the Pribilof Islands. Also Samuel Falconer (*ibid.*, p. 164). Mr. Falconer had had long experience as Treasury Agent on the islands, and otherwise, and is a fully competent witness upon this point. He assigns the reason for the selection of this breeding locality by the seals in the following language:

The reason the seals have chosen these islands for their home is because the Pribilof group lies in a belt of fog, occasioned by the waters of the Arctic Ocean coming down from the north and the warmer waters of the Pacific flowing north and meeting at about this point in Bering Sea. It is necessary that the seals should have a misty or foggy atmosphere of this kind while on land, as sunshine has a very injurious effect upon them. Then, too, the islands are so isolated that the seal, which is a very timid animal, remains here undisturbed, as every precaution is taken not to disturb the animals while they are on the rookeries. The mean temperature of the islands is during the winter about 26° F., and in summer about 43°. I know of no other locality which possesses these peculiarities of moisture and temperature. The grounds occupied by the seals for breeding purposes are along the coast, extending from high-water mark back to the cliffs, which abound on Saint George Island. The young males or bachelors, not being allowed to land on these breeding places, lie back of and around these breeding grounds on areas designated hauling grounds.

Captain Morgan says (*ibid.*, p. 61):

I believe that the cause the seals choose these islands for their home is because of the isolation of these Pribilof Islands and because the climatic condition of these Pribilof Islands is peculiarly favorably to seal life. During the time the seals are upon land the weather is damp and cool, the islands being almost continually enveloped in fogs, the average temperature being about 41° F. during the summer.

See, too, Daniel Webster, local agent for the North American Commercial Company, and stationed on St. George Island, who uses the following language (*ibid.*, p. 180):

These islands are isolated and seem to possess the necessary climatic conditions to make them the favorite breeding grounds of the Alaskan fur-seals, and it is here they congregate during the summer months of each year to bring forth and rear their young.

Mr. Redpath, a resident of St. Paul Island, Alaska. He had resided on the seal islands of St. Paul and St. George since 1875, that is to say, at the time of giving his deposition, some seventeen years. He testified as follows upon this point (*ibid.*, p. 148):

The Alaskan fur-seal is a native of the Pribilof Islands, and, unless prevented, will return to those islands every year with the regularity of the seasons. All the peculiarities of nature that surround the Pribilof group of islands, such as low and even temperature, fog, mist, and perpetual clouded sky, seem to indicate their fitness and adaptability as a home for the Alaskan fur-seal; and with an instinct bordering on reason, they have selected these lonely and barren islands as the choicest spots of earth upon which to assemble and dwell together during their six months stay on land; and annually they journey across thousands of miles of ocean, and pass hundreds of islands, without pause or rest, until they come to the place of their birth. And it is a well-established fact that upon no other land in the world do the Alaskan fur-seal haul out of water.

IV.—THE ENTIRE OFFICE OF REPRODUCTION AND REARING OF YOUNG IS AND MUST BE PERFORMED ON LAND.

"The act of coition takes place upon land" (Case of the United States, p. 110). The correctness of this assertion is settled beyond controversy by the overwhelming proof furnished by the United States Commissioners. But had they produced no evidence whatever, it is clear that the data furnished by the British Commissioners themselves are insufficient to cast reasonable doubt upon the proposition.

(a) The British Commissioners, in their report, begin with the broad (and incorrect) statement that the fur-seal is an animal in its nature

"essentially pelagic," which "for some portion of the year, however, naturally resorts to certain littoral breeding places, where the young are brought forth and suckled on land" (Sec. 261). Why it is and how it happens that an "essentially pelagic" animal should *naturally* resort to land for the most important function of its life does not appear, and yet the exceptional singularity of the circumstance might have made explanation reasonable. It is enough for the present purpose to give, in a word, the explanation of this practice of resorting to land. It may be found in the universally conceded fact, that *when the young happen to be born at sea they perish*. Ability to swim does not come spontaneously or naturally to this "essentially pelagic" animal. It is part of its education, and is not always acquired without difficulty. The race would be at once extinguished, by failure of living offspring, if it were confined to its own element.

Passing this anomaly for the present and again seeking information from the British Commissioners' Report, we learn that the *breeding males* begin to arrive on the Pribilof Islands at varying dates in May and remain continuously on shore *for about three months, after which they are freed from all duties on the breeding rookeries*. * * * The *breeding females* arrive for the most part nearly a month later, bearing their young *immediately on landing and remaining ashore, jealously guarded by the males for several weeks* (Report of British Commissioners, Sec. 30).

It is plain that the impregnation of the female takes place during these months or weeks. The "jealous" care of the breeding males, their sojourn on the land "until they are freed from all duties on the shore," their patient waiting for the females; all these facts show that there is a regular season of coition, which extends as they admit from May until July or August (see Report of British Commissioners, Sec. 306), and that the act takes place on the land.

If this assertion needs further demonstration, it may be readily furnished.

Assuming, as we must, and as the British Commissioners themselves declare, that it is *natural* for the seal to resort to land for the purpose of bringing forth and suckling its young, it being, moreover, uncontradicted that there is but one breeding place for this herd of seals, viz., the Pribilof Islands, it is indisputable that the period of coition and impregnation must so correspond with the period of return to the islands as to enable the mother to time the period of delivery with that of reaching land. Nature is a wise and careful monitor in her dealings

with these and other animals and they heed her teachings. Nothing is left to chance in the all-important matter of perpetuating the species. Coition and impregnation at sea and at irregular times would simply mean irregularity of birth and consequent destruction. If the females were impregnated at any other season their young would be born at sea, and, notwithstanding their "essentially pelagic nature," would inevitably perish.

This is further demonstrated by inexorable figures. The breeding females, say the British Commissioners, arrive at the islands nearly a month later than the males—that is to say, in June—and "immediately" drop their young. Given the date of birth (some time in June or July) and the period of gestation (about fifty weeks) (Case of the United States, p. 113), it is not difficult to fix the season of fertilization, *but it is impossible to fix it at any other time than the period of the breeding mothers' stay at the islands.* Such evidence as this outweighs the most ingenious and finely drawn conjecture. Even were it possible to show occasional acts of coition in the water after the females have been "released by their jealous male companions" on land, the fact would only be interesting from a scientific standpoint. It would not practically affect the question nor alter the fact that the coition which results in fertilizing the female is performed on land, as a result of natural laws, the violation of which to any considerable extent must eventually endanger the existence of, if not promptly and absolutely destroy, the race.

The British Commissioners, undeterred by these very obvious objections and misled, no doubt, by inaccurate and undisclosed information, assert that there is a certain class of "immature males," known as "half bulls" or "reserves," that poach upon the preserves of the seniors and cover many of the females which escape the attention of the older males upon the rookery grounds and in *such cases* the act of coition is *usually accomplished at sea!* (Sec. 287.)

It is unfortunate that an assertion inconsistent with scientific investigation and completely refuted by abundant proof should have been thus lightly made and suffered to rest upon mere affirmation. The statement is certainly not correct; but, even if it were, it merely states, and this most vaguely, that an irregular practice is sometimes followed in exceptional cases.

But the important point that the "breeding females" are only served by the "breeding males" on land is shown by the report of the British Commissioners themselves:

The remaining—and, at the time in question, most important—class is that of the breeding females. These, *sometime after the birth of the young and the subsequent copulation with the male*, begin to leave the rookery ground and seek the water. This they are able to do because of the lessened interest of the beach masters in them, and more particularly after many of the beach-masters themselves begin to leave their stands. (Sec. 306.)

In section 309 Bryant is quoted thus:

Bryant, after describing the relaxation in watchfulness of the male after impregnation has been accomplished, says of the female: "From that time she lies either sleeping near her young or spends her time either *floating or playing in the water near the shore*, returning occasionally to suckle her pup."

This opinion is especially important, as the same person is relied upon in another place as authority to show that the habit of coition on land has been somewhat modified since 1874. It certainly seems strange that if coition on land was the rule and the exceptions rare prior to 1874 "coition on land seems *not to be the natural method*." (Sec. 296.) There is evidently an error, either in the transcription or in the original statement. Mr. Bryant adds that "only rarely—perhaps in three cases out of ten—is the attempt to copulate *under such circumstances* effectual." This is in direct contradiction to the conceded and established fact that the breeding females are fertilized on land. It is difficult to suppose that Nature did not teach these animals from the earliest date the most "natural" way of satisfying their instinct and perpetuating their species. Perhaps the British Commissioners would not have been driven to the extremity of quoting such statements were it not for the necessity of supporting their theory, viz, the mischievous diminution of the males by slaughter on the islands.

Taking these statements altogether, they clearly prove the *habits* of the breeding animal to be as we have contended, subject possibly to alleged exceptions which, even if firmly established, would not impair the substance of the contention. It might, perhaps, be safe to rest this branch of the case at this point and to submit to this learned Tribunal that the inconsistencies and self-repugnances of the Report are such as to deprive it of all value as a guide upon this branch, at least, of the discussion. We shall, however, even at the risk of importunity, pursue the subject still further.

The statement in the Case of the United States as to the habits of the seals in the act of reproduction is as follows (p. 110):

The act of coition takes place upon land, which by reason of the formation of the genital organs is similar to that of other mammals. It is violent in character and consumes from five to eight minutes.

This statement is not a mere affirmation unsupported by authority. It is based in part upon the evidence of which we here give abstracts:

Mr. Joseph Stanley-Brown (Appendix to Case of the United States, Vol. II, p. 14), a geologist by profession, and as such employed in the United States Geological Survey, says:

Pelagic coition I believe to be impossible. The process upon land by reason of the formation of the genital organs is that of a mammal, is violent in character, and consumes from five to eight minutes. The relative sizes of the male and female are so disproportionate that coition in water would inevitably submerge the female and require that she remain under water longer than would be possible to such an amphibian. I have sat upon the cliffs for hours and watched seals beneath me at play in the clear water. It is true that many of their antics might be mistaken for copulation by a careless observer, and this may have given rise to the theory of pelagic coition. I have never seen a case of the many observed which upon the facts could properly be so construed.

Mr. John M. Morton, United States shipping commissioner at San Francisco, went to Alaska in 1870, arriving at St. Paul Island in October. He remained until the close of the season in the following year. In 1872 he visited all the trading posts of the Alaska Commercial Company. The summer of 1873 he spent on the Island of St. George. In 1875 and 1876 he again visited and spent both summers on St. Paul Island. He was at all times greatly interested in observing the movements and habits of these animals, and scarcely a day passed that he did not visit one or more of the rookeries. During the seasons of 1877 and 1878, while serving in the capacity of special Treasury Agent, he devoted his best attention and study to this subject.

This is his language in his sworn deposition which appears at page 67, Volume II, of the Appendix to the Case of the United states:

I desire also to express my belief concerning the seal life that *the act of copulation can not be successfully performed in the water.* Those who have witnessed its accomplishment on the rookeries must coincide with such opinion. A firm foundation for the support of the animals, which the ground supplies and the water does not, is indispensable to oppose the pushing motion and forceful action of the posterior parts of the male which he exerts during the coition. The closest observation which I have been able to give to the movements and habits of the seals in the water has furnished no evidence to controvert the above opinion,

S. R. Nettleton, a resident of Seattle, Wash., was appointed Special Agent of the Treasury Department in the autumn of 1889, at which time he went to the island of St. Paul in the performance of his duties. He returned to the States in 1890, and in 1891 returned to St. Paul Island, and remained there through June and July, and was then transferred to the island of St. George, where he remained until June, 1892. In the discharge of his duties as Treasury agent, he made such observations as could be taken from the breeding rookeries and the waters immediately adjacent thereto. His statement of facts is based upon personal observation as well as the information received from the natives of such islands and the white men resident thereon.

This is his language (Appendix to Case of the United States, Vol. II, p. 75):

Referring to the question as to whether pelagic coition is possible, I have to say that I have never seen it attempted, but from my observations I have come to the conclusion that pelagic coition is a physical impossibility.

Dr. H. H. McIntyre, superintendent for the lessees of the Pribilof Islands, during the entire term of their lease, visited the islands twice in the summer of 1870, and there he remained constantly from April, 1871, until September, 1872, and thereafter went to the islands every summer from 1873 until 1889, inclusive, excepting 1883, 1884, and 1885. His opportunities for observation were excellent, for he remained on the islands four months, from May until August, in each season, supervising the annual seal catch, examining the condition of seal-life, studying the habits of seals, and, in brief, doing such work as the interests of the lessees seemed to demand. He says (Appendix to Case of the United States, Vol. II, p. 42):

It has been said that copulation also takes place in the water between these young females and the so-called "nonbreeding males," but with the closest scrutiny of the animals when both sexes were swimming and playing together under conditions the most favorable in which they are ever found for observation, I have been unable to verify the truth of this assertion. After coitus on shore, the young female goes off to the feeding grounds or remains on or about the beaches, disporting on the land or in the water as her inclination may lead her. The male of the same age goes upon the "hauling grounds" back of or beside the rookeries, where he remains the greater part of the time, if unmolested, until nearly the date of his next migration.

Mr. Arthur Newman had lived, at the time of his deposition, over twenty years on the Aleutian Islands. For eight years he had been

agent for the Alaska Commercial Company, at Chernofsky, and for ten years he had acted in the same capacity at Umnak. He had every opportunity, as will appear from his deposition on page 210, Vol. II, of the Appendix to the Case of the United States, to observe the habits of the seals.

This is his language:

I have seen seals sleeping on kelp and feeding about it, but have never seen them copulate anywhere except on a rookery. I do not believe that pups born on kelp could be properly nursed and brought up. I do believe that it is necessary to their successful existence that they be born on land, since they can not swim at birth.

Norman Hodgson (*ibid.*, p. 367), a resident of Port Townsend, in the State of Washington, and a fur-seal hunter by occupation, gives many interesting details as to the habits of the seal. On the point now under consideration, he says:

I do not believe it possible for fur-seals to breed or copulate in the water at sea, and never saw or heard of the action taking place on a patch of floating kelp. I have never seen a young fur-seal pup of the same season's birth in the water at sea on a patch of floating kelp, and, in fact, never knew of their being born anywhere save on a rookery. I have, however, cut open a gravid cow and taken the young one from its mother's womb alive and crying. I do not believe it possible for a young fur-seal pup to be successfully raised unless born and nursed on a rookery. I have seen fur-seals resting on patches of floating kelp at sea, but do not believe they ever haul up for breeding purposes anywhere except on the rookeries.

Charles Bryant, who had spent considerable time on the Islands and had acted during a period of nine years as special agent of the Treasury Department, says (*ibid.*, p. 6):

In watching the seals while swimming about the islands, I have seen cases where they appeared to be copulating in the water, but I am certain, even if this were the case, that the propagation of the species is not as a rule effected in this way, the natural and usual manner of coition being upon land.

Capt. James W. Budington, who testified to his experience, which was considerable, in seal hunting at Cape Horn and in the Southern Atlantic Ocean, say (*ibid.*, p. 595):

I am also convinced that copulation takes place on land before they migrate, the period of gestation being about eleven months.

Samuel Falconer, a witness whose experience and qualifications have been mentioned heretofore, says (*ibid.*, p. 165):

As a general rule, the impregnation is by the bull to whose harem she belongs, and not by the young males, as has sometimes been stated. These young males also pursue a female when she is allowed to leave the harem and go in the water, but she refuses them. I am positive from my observations that copulation in the water could not be effectual, and would be a *most unnatural occurrence*.

John Armstrong, for a long time an employé in the Alaskan service in connection with the sealeries testified with much caution, and is the only one of the witnesses who does not speak with absolute confidence. His testimony is as follows (*ibid.*, p. 2):

I am asked whether the seals copulate in the water. It is a question that is often discussed at the islands, and neither the scientific observers nor the unscientific are able to agree about it. I have seen seals in position when it seemed to be attempted, but doubt whether it is effectually accomplished. If it were, I think we should see pups sometimes born late and out of season, but such is not the case.

V.—THE PUP IS ENTIRELY DEPENDENT UPON ITS MOTHER FOR NOURISHMENT FOR SEVERAL MONTHS AFTER ITS BIRTH.

THE COWS WILL SUCKLE THEIR OWN PUPS ONLY AND THE SUCKLING IS DONE ONLY ON LAND.

As in the case of all mammalia, the young must be dependent for nourishment during a certain period upon the milk furnished by the mother. The proof, moreover, is uncontradicted, and the British Commissioners admit that the suckling is done only on land. There is a question raised, however, which it may be useful to discuss, namely: Are the pups suckled only by their mothers or do these act indiscriminately and give nourishment to such young as they may happen to find conveniently at hand? It is asserted in the Case of the United States that these animals constitute no exception to the general rule by which the mother recognizes her own offspring and nourishes it alone. This is the language of the Case (page 114):

A cow, as soon as a pup is brought forth, begins to give it nourishment, the act of nursing taking place on land and never in water, and she will only suckle her own offspring. This fact is verified by all those who have ever studied seal life or had experience upon the islands.

William Brennan (Appendix to Case of the United States, Vol. II, p. 359). The testimony of Mr. Brennan, a native of Great Britain and a resident, at the time of making his deposition in 1892, of Seattle, in the State of Washington, is interesting and enters into minute details,

which could only be furnished by a person who had practically studied the subject. He says:

In May the bulls commence to haul up on the rookeries, and the cows come three or four weeks later. The bulls choose such ground as they mean to hold through the summer, fight savagely, and the strongest wins. Each has his own family, and should a stranger approach, there is war. On the rookeries one may see all classes of seals, apart from each other, the bulls and breeding cows in one place and the young in another. The pups are born on the rookeries, and remain with their mothers, living wholly upon their mother's milk until they can go into the sea and care for themselves. There is nothing on the beach for the old ones to eat, and they go several miles from the rookeries out to sea to obtain food. When the pups are born they can not swim, and the mothers take them to the water's edge, where one can see thousands paddling and struggling in the surf. The noise made by the mothers crying for their pups, and the bleating of the pups in answer, make a constant roar. The cow is three years old before she bears young. The pups are about forty-five days old before they can go into the water, but they nurse the mother as long as they stay on the island.

This testimony, if reliable, and there is no reason to dispute its accuracy, establishes the dependence of the pup upon its mother not only for food, but for care and instruction in swimming.

Joseph Stanley-Brown, whose contributions to the subject of fur-seal life and their habits are extremely valuable and are frequently referred to in the Case of the United States, is very emphatic and satisfactory upon this subject. His qualifications have already been stated in connection with other propositions. He says (*ibid.*, pp. 15-16):

For the first few days, and possibly for a week, or even ten days, the female is able to nourish her young or offspring, but she is soon compelled to seek the sea for food, that her voracious young feeder may be properly nourished, and this seems to be permitted on the part of the male, even though under protestation. The whole physical economy of the seal seems to be arranged for alternate feasting and fasting, and it is probable that in the early days of its life, the young seal might be amply nourished * * * without herself resorting to the sea for food.

The female gives birth to but a single pup. The labor is of short duration, and seems not to produce great pain. In the first weeks of its life, the pup does not seem to recognize its mother, but the latter will recognize and select her offspring among hundreds.

The young, upon being born, have all the appearance of pups of a Newfoundland dog with flippers. On emerging from their warm resting place into the chill air, they utter a plaintive bleat not unlike that of a young lamb. The mother fondles them with many demonstrations of affection, and they begin nursing soon after their birth. * * *

The young seals require the nourishing care of their mother for at least four months, and pups have been killed on the island late in November the stomachs of which were filled with milk. * * *

The pups are afraid of the water; they have to learn to swim by repeated efforts, and even when able to maintain themselves in the quiet

waters will rush in frantic and ludicrous haste away from an approaching wave. I have taken pups 2 or 3 weeks old and carried them out into still water and they awkwardly, but in terror, floundered toward the shore, although they could have escaped me by going in the other direction. In three trials, paddling in all about 60 feet, the pups became so exhausted that they would have been drowned had I not rescued them. If the pups, when collected in groups or pods near the shore were to be overtaken by even a moderate surf, they would be drowned, and such accidents to them do occur on the island before they have entirely mastered the art of swimming.

Charles Bryant has been quoted in connection with other propositions contained in the Case of the United States. He testifies upon this point as follows (*ibid.*, p. 5):

The pup is nursed by its mother from its birth so long as it remains on the islands, the mother leaving the islands at different intervals of time after the pup is 3 or 4 days old. I have seen pups, which I had previously marked with a ribbon, left for three or four days consecutively, the mothers going into the water to feed or bathe. A mother seal will instantly recognize her offspring from a large group of pups on the rookery, distinguishing it by its cry and smell; but I do not think a pup can tell its own mother, as it will nose about any cow which comes near it. A female seal does not suckle any pup save her own, and will drive away any other pups which approach her.

I am positive that if a mother seal was killed her pup must inevitably perish by starvation. As evidence of this fact, I will state that I have taken stray, motherless pups found on the sand beaches and placed them upon the breeding rookeries beside milking females and in all instances these pups have finally died of starvation.

Testimony such as this must be conclusive, except on the theory of absolute and intentional perjury. It is a satisfaction to the counsel for the United States to be able to state that no witness has been willing, so far as they know and so far as appears from the British Commissioners' Report, to put himself upon record, with or without oath, as directly contradicting these emphatic statements.

John Fratis, a native of Ladrone Islands, went to St. Paul Island in 1869, married a native woman of that place and became one of the people. Was made a native sealer and resided on the island from that time on. His experience, therefore, is valuable. He says (*ibid.*, p. 108):

The pups are born soon after the arrival of the cows, and they are helpless and can not swim and they would drown if put into water. The pups have no sustenance except what the cows furnish and no cow suckles any pup but her own. The pups would suck any cow if the cow would let them. After the pup is a few days old the cow goes into the sea to feed, and at first she will only stay away for a few hours, but as the pup grows stronger she will stay away more and more until she will sometimes be away for a week.

Numerous other witnesses were called who agreed that the only means of sustenance for the pup while it remained on the island, that is, for three or four months after its birth, is its mother's milk, and that it would perish if deprived of the same. Upon this point the following testimony may be read:

William Healey Dall (*ibid.*, p. 23); Samuel Falconer (*ibid.*, p. 165); William S. Hereford (*ibid.*, p. 35); Nicoli Krukoff (*ibid.*, p. 135).

H. W. McIntyre says (*ibid.*, p. 136):

Within a few days after landing (it may be but a few hours or even minutes, as I have seen) the female gives birth to her young, but one being brought forth each year. The reported occasional birth of twins is not verified. These little ones (pups as they are called) are comparatively helpless, particularly awkward in movement, and, unlike the hair-seal, are unable to swim. They are nursed by the mother, who, after copulation has taken place, is permitted by the old male to go at will in quest of food. At about six weeks old, the young gather in groups and shortly after learn to swim, but depend for a long period upon the mother for sustenance; hence her destruction must result in the death of the young through starvation.

So, also, J. H. Moulton (*ibid.*, p. 72).

Mr. Noyes says (*ibid.*, p. 82):

The pup is entirely dependent upon its dam for sustenance, and when it is a few days old she goes into the sea to feed, returning at intervals of a few hours at first, and gradually lengthening the time as the pups grow older and stronger, until she will be, sometimes, away for a whole week. During these journeys, it is my opinion, she goes a distance of from 40 to 200 miles from the islands to feed; and it is at this time she falls a prey to the pelagic hunter.

Returned to the rookery, the cow goes straight to where she left her pup, and it seems she instantly recognizes the spot by smelling, and it is equally certain that the pup can not recognize its dam. I have often seen pups attempt to suck cows promiscuously, yet no cow will suckle any pup but her own.

J. C. Redpath (*ibid.*, pp. 148, 149):

No cow will nurse any pup but her own, and I have often watched the pups attempt to suck cows, but they were always driven off; and this fact convinces me that the cow recognizes her own pup and that the pup does not know its dam. At birth and for several weeks after, the pup is utterly helpless and entirely dependent upon its dam for sustenance; and should anything prevent her return during this period it dies on the rookery. This has been demonstrated beyond a doubt since the sealing vessels have operated largely in the Behring Sea during the months of July, August, and September, and which, killing the cows at the feeding grounds, left the pups to die on the islands.

At about 5 weeks old the pups begin to run about and congregate in bunches or "pods," and at 6 to 8 weeks old they go into the shallow

water and gradually learn to swim. They are not amphibious when born nor can they swim for several weeks thereafter, and were they put into the water would perish beyond a doubt, as has been well established by the drowning of pups caught by the surf in stormy weather. After learning to swim, the pups still draw sustenance from the cows, and I have noticed at the annual killing of pups for food, in November, that their stomachs were always full of milk and nothing else, although the cows had left the islands some days before. I have no knowledge of the pups obtaining sustenance of any kind except that furnished by the cows; nor have I ever seen anything but milk in a dead pup's stomach.

Daniel Webster asserts positively that the *death of every mother causes the death of her pup, which is entirely dependent upon her for its sustenance.* Mr. Webster's testimony is valuable not only for its intrinsic value, but because its reliability is vouched for by the British Commissioners themselves (Sec. 677).

It will be observed that all the witnesses cited above are men specially capable, of long experience and a knowledge of the subject sufficient to enlighten any court whose function it may be to ascertain the facts connected with seal life. Such testimony can not fail to be conclusive in the judgment of this Court, unless it should be rejected as willfully and intentionally false. No ground for such a wholesale imputation upon the character of apparently intelligent and reputable men can be suggested. The functions of every court of justice become impossible, and decisions on questions of fact must be left to the caprice of judges, if such testimony may be arbitrarily disregarded. Surely the conjectures and conclusions of an adversary unsupported by the slightest pretense of proof, in a legal sense, can not be deemed a sufficient ground for such a charge. However high may be the character of the British Commissioners for intelligence and integrity, their bald assertions can not take the place of those aids to judicial investigation which the experience of all civilized nations has shown to be indispensable. It would, indeed, be a difficult task for the Arbitrators to reach any conclusion as to the material questions of fact in this case if the example of the British Commissioners had been followed by the Commissioners of the United States and both sides had confined themselves to conjectural assertions and partial and unsatisfactory deductions from uncertain premises. A manifest disposition to perform the part of an advocate rather than the duty of an aid to the court in the ascertainment of the truth, must detract largely from the value of the work performed by the Commissioners for Great Britain.

VI.—THE COWS, WHILE SUCKLING, GO TO THE SEA FOR FOOD AND SOMETIMES TO DISTANCES AS GREAT AS ONE HUNDRED AND TWO HUNDRED MILES, AND ARE DURING SUCH EXCURSIONS EXPOSED TO CAPTURE BY PELAGIC SEALERS.

The statement in the Case of the United States is as follows (p. 115):

Necessarily, after a few days of nursing her pup, the cow is compelled to seek food in order to provide sufficient nourishment for her offspring. Soon after coition she leaves the pup on the rookery and goes into the sea, and as the pup gets older and stronger, these excursions lengthen accordingly until she is sometimes absent from the rookeries for a week at a time.

The absolute correctness of this statement is demonstrated in the evidence.

A cow nurses only her own pup. The importance of deciding this question correctly makes it necessary that we should give special attention to the evidence upon the subject. The British Commissioners have taken a different view and are without support in the general understanding of men as to the practice and probabilities in such cases. It is easy to demonstrate that the assertion on page 115 of the Case of the United States, to the effect above stated is borne out by overwhelming proof.

Kerrick Artomanoff (Appendix to Case of the United States, Vol. II, p. 100) says:

The mother seals know their own pups by smelling them and no seal will allow any but her own pup to suck her.

Thomas F. Morgan (*ibid.*, p. 62) says:

After birth a pup at once begins to suckle its mother, who leaves its offspring only to go into the water for food, which I believe from my observation consists mainly of fish, squids and crustaceans. In her search for food the female, in my opinion goes 40 miles or even further from the islands. The pup does not appear to recognize its mother, attempting to draw milk from any cow it comes in contact with; but a mother will at once recognize her own pup and will allow no other to nurse her. This I know from often observing a cow fight off other pups who approached her, and search out her own pup from among them, which I think she recognizes by its smell and cry.

Mr. Morgan's testimony is very explicit and is based upon long experience and continued observation.

Samuel Falconer, at one time deputy collector of customs, and whose testimony has been quoted on other points, gives the results of his actual observations. He says (*ibid.*, p. 164):

The place of birth is on the breeding grounds, which takes place after the female lands, generally within two days. When first born

the pup can not swim, and does not learn so to do until it is six or eight weeks of age. It is therefore utterly impossible for a pup to be born in the water and live. I have noticed that when a pup of this age is put in the water it seemed to have no idea of the use of its flippers, and was very much terrified. A pup is certainly for the first six or eight weeks of its life a land animal, and is in no sense amphibious. During this period also a pup moves very much like a young kitten, using its hind flippers as feet. A mother seal will at once recognize her pup by its cry, hobbling over a thousand bleating pups to reach her own, and every other approaching her, save this one little animal, she will drive away. * * * A pup, however, seems not to distinguish its mother from the other females about it.

William Healey Dall, a scientist whose studies were completed under Prof. Louis Agassiz, at Cambridge, in the year 1863, and who has been since that time engaged in scientific work, gave the result of his personal examination made during the several years that he visited St. George Island and the Aleutian Islands. His opportunities to familiarize himself with aquatic seal life were excellent and are fully detailed in his deposition on pages 23 and 24 of the Appendix to the Case of the United States. He says:

From my knowledge of natural history and from my observations of seal life, I am of the opinion that it would be impossible for the young seals to be brought forth and kept alive in the water. When it is the habit of an animal to give birth to its young upon the land, it is contrary to biologic teaching and common sense to suppose they could successfully bring them forth in the water. It does not seem to me at all likely that a mother would suckle any pup other than her own, for I have repeatedly seen a female select one pup from a large group and pay no attention to the solicitations of others. Pups require the nourishment from their mothers for at least three or four months after their birth, and would perish if deprived of the same.

I have had ample opportunity to form an opinion in regard to the effect upon the herd of killing female seals. The female brings forth a single offspring annually, and hence the repair of the loss by death is not rapid. It is evident that the injury to the herd from the killing of a single female, that is, the producer, is far greater than from the death of the male, as the seal is polygamous in habit. The danger of the herd, therefore, is just in proportion to the destruction of female life. Killing in the open waters is peculiarly destructive to this animal. No discrimination of sex in the water is possible, the securing of the prey when killed is under the best of circumstances uncertain, and as the period of gestation is at least eleven months and of nursing three or four months, the death of the female at any time means the destruction of two, herself and the foetus; or when nursing, three—herself, the nursing pup, and the foetus. All killing of females is a menace to the herd, and as soon as such killing reaches the point—as it inevitably must if permitted to continue—where the annual increase will not make good the yearly loss, then the destruction of the herd will be equally rapid and certain, regarded from a commercial standpoint, though a few individuals might survive.

Karp Buterin, a native of St. Paul Island, on which island he had lived up to the time of making his deposition, when he was 39 years of

age, had been engaged in driving seals, clubbing and skinning them ever since he was able to work; he says (Appendix to Case of the United States, Vol. II, p. 103):

Schooners kill cows, pups die, and seals are gone. Some men tell me last year, "Karp, seals are sick." I know seals are not sick; I never seen a sick seal, and I eat seal meat every day of my life. * * * No big seals die unless we club them; only pups die when starved, after the cows are shot at sea. When we used to kill pups for food in November they were always full of milk; the pups that die on the rookeries have no milk. The cows go into the sea to feed after the pups are born, and the schooner men shoot them all the time.

The same rule as to exclusive nursing of her own pups by the cow is proven to exist in the Antarctic regions by Mr. Comer.

George Comer (*ibid.*, p. 598) says:

I have never seen a "clap-match" suckling more than one pup, and it is my impression that a "clap-match" would not nurse any pup except her own, for I have seen her throw other pups aside and pick out one particular one from the whole number on the rookery.

Anton Melovedoff, a native of Alaska, testifies as follows (*ibid.*, p. 144):

When the pup is born it is utterly helpless and would drown if put into water. Those born nearest the water are often drowned in the surf when the sea is rough in stormy weather. When the pup is a few days old the cow goes into the sea to feed and as the pup grows older the cow will stay longer and longer until sometimes she will be away for a week. When the cows return they go to their own pups, nor will a cow suckle any pup but her own. The pups would suck any cow that would let them, for they do not seem to know one cow from another.

H. H. McIntyre, to whose valuable deposition attention has been heretofore called, uses this language (*ibid.*, p. 41):

At this time they are simply land animals, with less aquatic instinct and less ability to sustain themselves in water than newly hatched ducklings. When the pups are a few days old the mothers leave them (generally soon after coition upon the rookeries with the old male) to go to the feeding grounds, returning at intervals of one to three or four days to suckle their young. The pups do not appear to recognize their own dams, but the mother distinguishes her own offspring with unerring accuracy and allows no other to draw her milk.

Louis Kimmel, at one time assistant Treasury agent on St. George Island and a resident of that place for over one year, testifies as follows (*ibid.*, p. 174):

A cow never suckles any but her own pup. When a strange pup approaches a cow she will drive it away from her, and out of thousands of pups huddled together she will single her own. It is my opinion that if a mother is killed off her offspring dies of starvation.

To the same effect is the testimony of Dr. Hereford. William S. Hereford, a physician of character and experience, a graduate of Santa Clara College, S. J., and of the University of Pennsylvania (*ibid.*, p. 33):

It is a well-known fact that the female seals leave the islands and go great distances for food, and it is clearly proven that many of them do not return, as the number of pups starved to death on the rookeries demonstrates.

The old mother seal will not nurse any but its own offspring and can single it out of a band of thousand, even after an absence of days from the islands. The difference between a well-nourished pup and one starving to death is also easily recognized, one being plump and lively, growing extremely rapidly, the other slowly dwindling away, its body becoming lean, long, and lanky, the head being the largest and most conspicuous part. The poor little thing finally drops from sheer exhaustion in its tracks, it being only a matter of time before it succumbs to starvation.

Dr. Hereford narrates in a highly interesting manner the efforts made to raise "Little Jimmie," a child of adverse circumstances, whose mother had been accidentally killed. This narrative may be found on pages 33 and 34 of the Appendix to the Case of the United States.

Several other witnesses concur in testifying that the mother will readily distinguish her own offspring from that of others and will not permit the young of any other seal to suckle her. If there is anything in the Report of the Commissioners of Great Britain which rises to the dignity of evidence and which may be weighed against this overwhelming mass of testimony, we have failed to discover it. The plausible suggestion that they make in explanation of the apparent effort of the mother to distinguish her offspring by smelling the various pups, is that she thus goes about until she finds one that does not smell of fresh milk (Sec. 323).

VII.—DEATH OF THE COW CAUSES THE DEATH OF THE PUP.

The materiality of the question last discussed, and of the fact asserted and demonstrated that the mother nurses only her own pup, lies chiefly in the correlative assertion that the death of the cow causes the death of the pup.

Assuming the premises to be established that the pup depends upon its mother for food and can be fed in no other way than by that mother, the conclusion establishes itself without the necessity of extrinsic proof. The testimony directly upon this point is voluminous, and, it is submitted, entirely satisfactory. It goes very far to explain one of the general causes for the diminution of the species.

So many witnesses have testified upon this point, and it is so doubtful whether any testimony at all is needed if it be established that the pup depends wholly upon its mother, that we shall confine ourselves to brief abstracts.

George Ball (Appendix to Case of the United States, Vol. II, p. 481), a shipmaster and a sealer, does not hesitate to say that the pups perish with the cows that he and his companions kill.

William Brennan sums up the situation with the conclusive argument that "it stands to reason that if the mothers are killed while away from the island and the pups are left there alone they will surely die, and it is a fact that many mothers are killed in Bering Sea" (*ibid.*, p. 363).

Henry Brown, seaman, engaged in pelagic sealing and residing at Victoria, British Columbia, gives his experience in the slaughter of gravid females as well as the females taken in the Bering Sea which are not gravid, he says: These were cows in milk. Every seal captured causes the death of either an unborn pup or the death of a young pup by starvation on the islands. He says (*ibid.*, p. 318):

If pelagic sealing is continued, especially with guns, in a few years the seal herd will become commercially destroyed.

Luther T. Franklin, a seal-catcher, being asked, "Do the pups perish with the cows that you kill?" answered, "naturally they must." (Appendix to Case of the United States, Vol. II, p. 426.)

Charles Lutjens testifies, with probably unconscious force, as to the brutality of the occupation in which he is engaged (*ibid.*, p. 459):

Q. Do the pups perish with the cows that you kill?—A. Certainly. Not alone that, but they generally leave, while they go into the Bering Sea, a pup on shore, which also dies from not being able to get any sustenance. The seal which is killed in the Bering Sea may be with pup and also has a pup on shore, which made the killing three seals to one.

Alexander McLean says that if you kill a female seal you kill the pup with her (*ibid.*, p. 437).

For other testimony upon this point, see Daniel Claussen (*ibid.*, p. 412), Luther T. Franklin (*ibid.*, p. 425), Louis Kimel (*ibid.*, p. 174), and many others testifying to the same fact.

Multiplication of extracts could not add to the force of testimony so reasonable and conclusive upon its face.

Indeed, the evidence is so complete that the victims of pelagic

slaughter are mainly, if not wholly, females, as to forbid contradiction. We accordingly find that the British Commissioners make this admission: "It is *undoubtedly true* that a *considerable proportion* of the seals taken at sea are females, as all seals of killable size are killed without discrimination of sex" (Sec. 78). It is true that they hasten to add that this disproportion is due *in part* to the persistent killing of young males on land. Possibly this may be true. Undoubtedly if the poachers found killable males as well as gravid females, they would slaughter both and the disproportion would be less marked. But the Commissioners do not pretend that the *absolute number* of females killed would be any smaller. The pelagic hunter would kill them all with indiscriminate impartiality. How the situation would be helped by this is not stated, although it may show how the scope of the business might be enlarged. This curiosity is stimulated, but not satisfied, by the admission that their disproportion is *in part* explained as stated; it might have been just to the Tribunal to state what else might be said to throw light upon the subject.

The cows, while suckling, go to sea for food and sometimes to distances as great as 100 to 200 miles, and are during such excursions exposed to capture by pelagic sealers (see Case of the United States, p. 115). The statement in the Case to this effect is borne out by the testimony and by fully substantiated facts.

The vagueness of the statement made by the British Commissioners fails to conceal the evident intent to create the impression that the females, like the males, may live and nurse their young for a long time without food. In section 307 of their Report this language is used:

It is very generally assumed that the female, on thus beginning to leave the rookery ground, at once resumes her habit of engaging in the active quest for food, and though this would appear to be only natural, particularly in view of the extra drain produced by the demands of the young, it must be remembered that, with scarcely any exception, the stomachs of even the bachelor seals killed upon the islands are found void of food, and that all seals resorting to the islands seem, in a great degree, to share in a common abstinence.

The concession of an *extra drain* upon a nursing female is generously followed up by the statement "that it may be considered certain that after a certain period the females begin to seek such food as can be obtained." It is then stated that "there is a very general belief among the natives, both of the Pribilof and Commander islands, to the effect that the females do not leave the land to feed while engaged in suckling

their young." That there is any such general belief is most strenuously denied on the part of the United States, is disproven by the few witnesses cited by the British Commissioners themselves, and is negatived overwhelmingly by the testimony on the part of the United States.

The painful attempt to justify pelagic sealing by distortion of commonly accepted facts is nowhere more apparent than in section 308:

It appears to us to be quite *probable*, however, that toward the close of the season of suckling, the female seals may actually begin to spend a considerable portion of their time at sea in search of food. It is unlikely that this occurs to any notable extent until after the middle of September, *before which the season of pelagic sealing in Bering Sea practically closes.*

Comment would be absurd on this.

"Bryant", say the British Commissioners, "after describing the relaxation in watchfulness of the male after impregnation has been accomplished, says of the female: 'From that time she lies either sleeping near her young or spends her time floating or playing in the water near the shore, returning occasionally to suckle her pup.'"

That she should go to the water to play and float and neglect the opportunities of replenishing her energies, wasted as they are by nursing, seems utterly incredible. It is well to note the admission, however, that during this period the suckling is on land whither she returns to accomplish it.

Elliott is quoted in the same section as stating that "the mother nurses her pup every two or three days," but adds, "in this I am very likely mistaken." Again, Elliott says of the mother, coming up from the sea, that "she has been there to wash and perhaps to feed for the last day or two." In another reference given by the British Commissioners from the same authority, he is made to say:

Soon after the birth of their young, they leave it on the ground and go to the sea for food, returning perhaps to-morrow, perhaps later, even not for several days, in fact, to again suckle and nourish it, *having in the meantime sped far off to distant feeding banks.* (Sec. 309.)

It will be observed that this agrees entirely with the testimony produced by the United States. The report then goes on to cite authorities showing how far the cows go out for food. Taylor is quoted as saying that they go out every day a distance of 10 or 15 miles, or even farther.

T. F. Ryan says that the main feeding grounds of the seal during the summer stay upon the islands, and to which the cows are continually going and coming, are to be found 40 to 70 miles south of St. George Island.

G. R. Tingle, in the same report cited, says the seals probably go 20 miles out, in some cases, in search of food.

The British Commissioners, in this exceptional instance, are to be credited not only with having been diligent, but with disclosing the names of the persons from whom information was obtained. It might have been desirable that these statements should be made in the language of the persons themselves. However, we quote it as it is given us.

Tingle, in section 312, extends the feeding area from 20 miles, which he has named above, to 30 or even 40 miles from the land. Redpath did not know of the feeding grounds, but believed that the females go from 10 to 15 miles from the islands for the purpose of feeding. Daniel Webster (whom they graciously indorse as a truthful witness) concurred with Ryan, and expressed the opinion that when feeding in the autumn *the seals went 60 miles to the southward of St. George Island.* He believed that there was a favorite feeding ground in that vicinity, and stated the reasons of this belief. Mr. Webster is a reliable and intelligent witness, who has frequently been quoted by the American Commissioners. While he does not state the distance as being more than 60 miles, he certainly places it, with other reliable witnesses, sufficiently far out to sea to enable the poachers to destroy this class of seals. It may not be material whether the distance be 60 or 100 miles; when the men bent upon slaughtering seals, irrespective of condition and sex, have discovered the feeding grounds of the mothers, all that they will ask is that the distance be sufficiently great to secure to them immunity in their destructive work.

Mr. Fowler stated to the Commissioners (Sec. 312) that he believed that there was a favorite feeding ground of the seal about 30 miles off the northeast point of St. Pauls Island. This was not from personal knowledge, but dependent upon statements that seals had been seen in abundance there. That the seals caught on the feeding grounds must be females is the conclusive inference from the statements and argument of the British Commissioners themselves. They state that all seals resorting to the islands seem in a great degree to share in a common abstinence, and assert that the stomachs of even the bachelor seals killed upon the islands are found void of food. As all the authorities cited by them confine themselves to the females, it is worse than idle to argue that those which resort to the feeding grounds are either old males or young ones.

The statement is attributed to natives of St. Paul that the females from the rookeries went only 3 or 4 miles to sea and always returned to their young on shore the same day (Sec. 312). A statement so vague as to names and qualifications hardly deserves notice. It may be important, however, as showing that the natives have observed that females do return to their young for the purpose of nursing them.

Mr. Grebnitsky did not agree with most of the natives, who thought "that the females did not feed during this period," but stated as the result of his own personal observation and long experience that they went out to sea while suckling the young, but not further than half a mile or a mile from the shore. If food is to be procured so near the land by the mother, it may be that when she was seen floating or playing in the water near the shore by Mr. Bryant, and then returning occasionally to suckle her pup, she had also been employed upon the more profitable mission of securing milk-producing material.

Snegiloff thought that the females leave their young for several days to go as far as 10 miles from land to feed, while Kluge, the agent of the Russian Government in charge of the Copper Islands, thought that the females went as far as 2, 3, or 4 miles, but returned to the rookery every night.

To this undigested mass of information, thus unsatisfactorily reported, the magnanimous admission is added that "it is certain from statements obtained that females with milk are *occasionally killed at sea by the pelagic sealers*" (Sec. 314).

We may conclude from all this testimony on the part of the British Commissioners that the seals which leave the rookeries are almost exclusively, if not wholly, female seals, nursing their young and seeking food, and that they proceed to great distances in some cases, and are found in feeding grounds which may be from 40 to 60 miles distant from the land. It now remains to be seen what testimony is offered on the part of the United States to satisfy the judgment and conscience of the court which is to determine this, one of the most important elements in the controversy.

Assuming all the parties, who have given the information to the Commissioners of Great Britain and to the United States, for the respective countries to testify fairly and honestly, it is elementary that, where positive evidence of a fact is presented and negative evidence on the other side, the positive evidence shall be credited; otherwise the effect would be to stamp one party with perjury because what he is

stated to have seen or said or heard or done was unnoticed or unobserved by the witness testifying in the negative. If, therefore, the sworn testimony of reputable persons is produced extending the area in which the female seals have been observed in quest of food, preference must be given to them rather than to those witnesses whose opportunities may not have been the same or whose powers of observation may not have been equal. Where witnesses *testify positively that they have seen and killed seals over 100 miles from land*, can they be truly said to be contradicted as to the fact by men who say that they have never seen them more than 60 miles from the shore?

Peter Anderson (Appendix to Case of the United States, Vol. II, p. 312), a seal-hunter, agrees with Mr. Webster, who is quoted by the British Commissioners. He says:

A large majority of the seal taken on the coast and in Bering Sea are cows with pup in the Pacific Ocean and with milk in Bering Sea. A few young male seal are taken in the North Pacific Ocean, from two to three years old. Have never taken an old bull in the North Pacific Ocean in my life. A few yearlings have been taken by me, but not many. Used no discrimination, but killed all seals that come near the boats. The best way to shoot seal to secure them is to shoot them in the back of the head when they are asleep with their noses under water. Have never known any seal pups to be born in the water nor anywhere else in Alaska outside of the Pribilof Islands, nor have I ever known fur-seal to haul up anywhere on the land except on the Pribilof Islands. Have taken females that were full of milk 60 miles from the Pribilof Islands.

John Armstrong (Appendix to Case of the United States, Vol. II, p. 1), who had been during many years agent of the Alaska Commercial Company and lived for the whole of ten years upon St. Paul Island, observed that very few seals go out to sea to feed during June, July, and August, except females and some of the younger seals. He adds:

I am asked whether the seals copulate in the water. It is a question that is often discussed at the island, and neither the scientific observers nor the unscientific are able to agree about it. I have seen seals in position when it seemed to be attempted, but doubt whether it is effectually accomplished. If it were, I think we should see pups sometimes born late and out of season, but such is not the case.

Kerrick Artomanoff (*ibid.*, p. 99) worked on the sealing grounds for the last fifty years. His deposition is well worth reading. It may be found at page 99. He accounts for the decrease in the number of seals since 1874 by the destruction of the females. He states that in 1887 and 1891 the rookeries were covered with dead pups. In his sixty-seven years' residence on the island he never saw anything like it before. No sickness was ever known among the pups or seals,

and he had never seen any dead pups on the rookeries, except the few killed by the old bulls when fighting or by drowning when the surf washed them off (*ibid.*, p. 100). He states that four or five days after the birth of the pup the mother seal leaves her offspring and goes away in the sea to feed, and when the pup is two or three weeks old the mother often stays away five or six days at a time.

William C. Bennett (*ibid.*, p. 356) had been a seal-hunter all his life; he was 32 years old at the time of deposing. He had hunted the seal with spear and sometimes with a shotgun. Most of the seals taken by him were cows. He thought that the cows slept more and are more easily approached. The sex of the seal not being ascertainable in the water, he shot everything that came near his boat, and when the seal is shot dead it sinks very quick and is hard to secure under those conditions. He also agreed with the other witnesses that seals were decreasing in number very fast, and he attributed this to the indiscriminate killing in the water.

Joseph Stanley-Brown, a geologist, whose testimony on other points has heretofore been given attention, says:

For the first few days, and possibly for a week or even ten days, the female is able to nourish her young or offspring, but she is soon compelled to seek the sea for food, that her voracious young feeder may be properly nourished, and this seems to be permitted on the part of the male though under protestation. The whole physical economy of the seal seems to be arranged for alternate feasting and fasting, and it is probable that in the early days of its life the young seal might be amply nourished by such milk as the mother might herself afford without resorting herself to the sea for food.

John C. Cantwell (*ibid.*, p. 408), second lieutenant in the United States Revenue Marine, had been on duty in Behring Sea during the years 1884, 1885, 1886, and 1891. He had paid particular attention to the seals and whenever opportunity offered had visited the rookeries for the purpose of photographing and sketching the animal, etc. He had boarded a large number of vessels fitted out as sealers and engaged in sealing, and had conversed with the masters and crews on the subject of pelagic sealing. This is his testimony:

From information gathered from these and other sources, and by comparison of testimony given by the seal hunters, would say that at least 60 per cent of seals killed or wounded escape and are never recovered, and that 75 per cent of seals shot in the North Pacific Ocean are females heavy with young, and that 80 per cent. of seals shot in Behring Sea from July 1 to September 15 are females, most of which have given birth to their young, and are mostly caught while feeding at various distances from land.

Capt. Cartheat (*ibid.*, p. 404), a master mariner, engaged in hunting the fur-seals for 10 years, extending from 1877 to 1887, during the latter part of the time in Bering Sea, speaks on his personal knowledge, and makes a valuable contribution to the knowledge which we have upon the subject. One of the reasons which he assigns for the great slaughter of female seals is that maturity makes them tame and easily approachable. He says:

About 80 per cent of the seals I caught in the Behring Sea were mothers in milk, and were feeding around the fishing banks just north of the Aleutian Islands, and I got most of my seals from 50 to 250 miles from the seal islands. I don't think I ever sealed within 25 miles of the Pribilof Islands. They are very tame after giving birth to their young, and are easily approached by the hunters. When the females leave the islands to feed, they go very fast to the fishing banks, and after they get their food they will go asleep on the waters. That is the hunter's great chance. I think we secured more in proportion to the number killed than we did in the North Pacific. I hunted with shotgun and rifle, but mostly with shotgun. Seals were not nearly as numerous in 1887 as they were in 1877, and it is my belief that the decrease in numbers is due to the hunting and killing of female seals in the water. I do not think it possible for seals to exist for any length of time if the present slaughter continues. The killing of the female means death to her born or unborn pup, and it is not reasonable to expect that this immense drain on the herds can be continued without a very rapid decrease in their numbers, and which practically means extermination within a very few years.

Christ Clausen (*ibid.*, p. 319), a master mariner, was engaged in seal hunting as mate of the British schooner *O. H. Tupper*, in 1889. He resides at Victoria, British Columbia, and also was navigator in the British schooner *Minnie*. His testimony is worth reproducing somewhat extensively. Unless willful perjury be attributed to him, his testimony, based on actual observation and experience in the business of slaughtering seals, should be accepted as conclusive on several of the points under consideration:

The Indian hunters, when they use spears, saved nearly every one they struck. It is my observation and experience that an Indian, or a white hunter, unless very expert, will kill and destroy many times more than he will save if he uses firearms. It is our object to take them when asleep on the water, and any attempt to capture a breathing seal generally ends in failure. The seals we catch along the coast are nearly all pregnant females. It is seldom we capture an old bull, and what males we get are usually young ones. I have frequently seen cow seals cut open and the unborn pups cut out of them and they would live for several days. This is a frequent occurrence. It is my experience that fully 85 per cent of the seals I took in Behring Sea were females and had given birth to their pups and their teats would

be full of milk. I have caught seals of this kind 100 to 150 miles from Pribilof Islands. It is my opinion that spears should be used in hunting seals, and if they are to be kept from extermination the shotgun should be discarded.

Peter Collins, also engaged in sealing as a sailor, testified as to the manner of shooting the seals (*ibid.*, p. 413). Fully three-fourths of the seals shot in the North Pacific, he says, were females with young. He swears that he has seen mothers with their breasts full of milk killed 100 miles or more from the seal islands. He knows that they go great distances for food. His testimony is that of a practical man who evidently entertained no prejudice on the subject of killing the mothers with breasts full of milk. He was apprehensive, however, that his business would be destroyed. He says:

There were not nearly as many seals to be found in 1889 as there were in 1888. I think the decrease was caused by the great destruction of females killed in the sea by the hunters, and if something is not done to protect them from slaughter in the North Pacific and Behring Sea, they will all be gone in a few years.

Capt. Coulson (*ibid.*, pp. 414-416), of the United States Revenue Marine, makes a very interesting deposition. His experience was practical and extensive. He says:

In company with Special Agent Murray, Capt. Hooper, and Engineer Brerton, of the Corwin, I visited the reef and Gobatch rookeries, St. Paul Island, in August, 1891, and saw one of the most pitiable sights that I have ever witnessed. Thousands of dead and dying pups were scattered over the rookeries, while the shores were lined with emaciated, hungry little fellows, with their eyes turned toward the sea, uttering plaintive cries for their mothers, which were destined never to return. Numbers of them were opened, their stomachs examined, and the fact revealed that starvation was the cause of death, no organic disease being apparent.

The great number of seals taken by hunters in 1891 was to the westward and northwestward of St. Paul Island, and the largest number of dead found that year in rookeries situated on the west side of the island. This fact alone goes a great way, in my opinion, to confirm the theory that the loss of the mothers was the cause of mortality among the young.

After the mother seals have given birth to their young on the islands, they go to the water to feed and bathe, and *I have observed them*, not only around the island *but from 80 to 100 miles out at sea*.

In different years the feeding grounds or the location where the greater number of seals are taken by poachers seem to differ; in other words, the seals frequently change feeding grounds. For instance, in 1887, the greatest number of seals were taken by poachers between Unamak, Akatan Passes and the seal islands, and to the southwestward of St. George Island. In 1889, the catching was largely done to the southward and eastward, in many cases from 50 to 150 miles distant from the seal islands. In the season of 1890, to the southward

and westward, also to northwest and northeast of the islands, showing that the seals have been scattered. The season of 1891, the greatest number were taken to northward and westward of St. Paul, and at various distances from 25 to 150 miles away.

The testimony of such a witness, speaking of his knowledge, declaring upon his oath that he had seen females feeding 80 to 100 miles from the Pribilof Islands, ought to outweigh the negative and loose statements of any conceivable number of natives or other informants upon whom the British Commissioners have relied.

Charles Challall (*ibid.*, p. 410), a sealer who had been sealing up the coast and in Bering Sea three seasons, testified as follows:

Most of the seals we killed up the coast were females heavy with pup. I think nine out of every ten were females. At least seven out of every eight seals caught in the Bering Sea were mothers in milk. The vessels I went out in had from four to six boats each. Each boat had three men, a hunter and two pullers. The average hunter would get one out of every three that he shot; a poor hunter not nearly so many. There are twenty-one buckshots to a shell. I think a great many seals are wounded by hunters that are not taken. The gunshot wounds more seals than the rifle. I think the aim of the hunter is to kill the seal rather than to wound it. When they are in schools sleeping we get a good many. We did not get as many we shot at in the Bering Sea as we did on the coast. If we got one out of every three that we wounded in the Bering Sea we were doing pretty well. I do not know of any place where the seals haul up on this coast except on the seal islands.

Mr. W. H. Dall (upon whose manuscript note, said to have been supplied to Prof. Allen, the British Commissioners rely to show coition in the water). He testifies to having seen seals in the water of Bering Sea 100 miles or more from the Islands. His testimony, too, seems conclusive, if he is a reliable witness. This is his language:

The Pribilof Islands are the chosen home of the fur-seal (*Callorhinus ursinus*). Upon these islands they are born; there they first learn to swim, and more than half their life is spent upon them and in the water adjacent thereto. Here they give birth to their young, breed, nurse their pups, and go to and from their feeding grounds, which may be miles distant from the islands. I have seen seals in the waters of Bering Sea distant 100 miles or more from the islands at various times between the 1st of July and October. These seals were doubtless in search of food, which consists, according to my observation, of fish, squid, crustaceans, and even mollusks. Upon the approach of winter the seals leave their homes, influenced doubtless by the severity of the climate and decrease in the food supply (Appendix to Case of the United States, Vol. II, p. 23).

James Henry Douglas (*ibid.*, p. 419), was by occupation a master and pilot of vessels, and had had long experience sailing in the North

Pacific and Bering Sea; had gone to the seal islands in the latter sea over twenty years ago, and been there many times subsequently while in the employ of the Government. He testifies that his observation and information agreed with that of many other witnesses. He says:

My information and observation is that a very large proportion of those killed along the coast and at sea from Oregon to the Aleutian Islands are female seals with pups; I think not less than 95 per cent. The proportion of female seals killed in the Bering Sea is equally large, but the destruction to seal life is much greater owing to the fact that when a mother seal is killed her suckling pup left at the rookery also perishes. Impregnation having also taken place before she left the rookery in search of food, the foetus of the next year's birth is likewise destroyed. I also found that *females after giving birth to their young at the rookeries seek the codfish banks at various points at a distance of from 40 to 125 miles from the islands for food*, and are frequently absent one or more days at a time, when they return to find their young.

I have noticed that the females when at sea are less wild and distrustful than the bachelor seals, and dive less quickly in the presence of the hunter. After feeding plentifully or when resting after heavy weather they appear to fall asleep upon the surface of the water. It is then they become an easy target for the hunters.

George Dishow, of Victoria, British Columbia, was by occupation a seal hunter and pursued that business six years (*ibid.*, p. 323).

I use a shotgun exclusively for taking seal. Old hunters lose but very few seals, but beginners lose a great many. I use the Parker shotgun. A large proportion of all seals taken are females with pup. A very few yearlings are taken. I never examined them as to sex. But very few old bulls are taken, but five being taken out of a total of 900 seals taken by my schooner. Use no discrimination in killing seal, but shoot everything that comes near the boat in the shape of a seal. Hunters shoot seal in the most exposed part of the body. Have never known any pups to be born in the water, nor on the land on the coast of Alaska anywhere outside of the Pribilof Islands. Have never known fur-seal to haul up on the land anywhere on the coast except on the Pribilof Islands. Most of the seals taken in Bering Sea are females. Have taken them 70 miles from the islands that were full of milk. I think a closed season should be established for breeding seal from January 1st to August 15th in the North Pacific Ocean and Bering Sea.

George Fairchild (*ibid.*, p. 423), made a sealing voyage to the North Pacific Sea as sailor on the *Sadie Clyde*, sailing from Victoria on the 10th of April, 1888. They went north to the Bering Sea, sealing all the way up, and got 110 seals before entering the sea:

"Most of them," he says, "were cows, nearly all of which had pups in them. We took some of the pups alive out of the bodies of the females. We entered the Bering Sea May 25, and we got 704 seals in there, the greater quantity of which were females with their breasts full of milk, a fact which I know by reason of having seen the milk flow on the deck when

they were being skinned. We had 5 boats on board, each boat having a hunter, boat puller, and steerer. We used shotguns and rifles. We got one out of every 5 or 6 that we killed or wounded. We wounded a great many that we did not get. We caught them from 10 to 50 miles off the seal islands."

This is the *sportsmanlike method* of hunting seals of which the British Commissioners speak in terms of undisguised admiration!

Samuel Falconer (*ibid.*, p. 165), deputy collector of customs in 1868 and 1869, then purser on board the steamer *Constantine*, was also in charge of St. Paul Island several years. It was a part of his duty to make a very careful and full study of seal life. It was his opinion that if a *pup lost its mother by any accident it would certainly die by starvation.* When the young seal are 6 or 8 weeks of age their mothers force them into the water and teach them to swim. After repeated trials the pup learns to swim, and from that time on spends a great deal of time in the water, but still the greater portion of these first months of its life are spent on land sleeping and nursing.

The cow, after bringing forth her young, remains on the rookery until again fertilized by the bull, which is, I believe, within two weeks. After the fertilization she is allowed to go to and from the water at will in search of food, which she must obtain so she can nurse her pup. She goes on these feeding excursions sometimes, I believe, 40 or more miles from the islands, and as she swims with great rapidity, covers the distance in a short time. She may go much farther, for I have known a cow to be absent from her pup for two days, leaving it without nourishment for this period. This shows how tenacious of life a young seal is, and how long it can live without sustenance of any sort. The 3-year-old male has meanwhile landed on the hauling ground and is now of the most available age to kill for his pelt.

John Fratis (*ibid.*, p. 108) was of opinion that the cows were killed by the hunters when they go out in the sea to feed, and the pups are left to die and do die on the islands. He says:

The pups are born soon after the arrival of the cows, and they are helpless and can not swim, and they would drown if put into the water. The pups have no sustenance except what the cows furnish, and no cow suckles any pup but her own. The pups would suck any cow if the cow would let them.

After the pup is a few days old the cow goes into the sea to feed, and at first she will only stay away for a few hours, but as the pup grows stronger she will stay away more and more until *she will sometimes be away for a week.*

William Frazer gives his experience as a sealer. The hunters use shotguns, he says (*ibid.*, p. 427), and got about one out of every six they shot at or killed, and sometimes they got none. The great majority of

them were females. Most of the females killed have unborn pups or were cows in the milk. They did not kill any on the Island because they never went in close enough. He testifies positively that "we," meaning his companions and himself on the *Charles Wilson*, "killed females giving milk more than 100 miles from the seal islands. Most of the seals sunk or dove out of sight when killed or wounded, and a great many of them we could not get." On one occasion he got 600 seals. He does not know whether it was on the American side or not. They were almost all females. He noticed when he skinned them that they were females in milk, as the milk would run from their breasts on to the decks. He concurs with the other witnesses as to the diminution in the number of seals.

Norman Hodgson (*ibid.*, p. 366) observed nursing cows from 60 to 80 miles from the Pribilof Islands, where they were ranging to feed.

I do not think it possible for fur-seals to breed or copulate in water at sea and never saw nor heard of the action taking place on a patch of floating kelp. I have never seen a young fur-seal pup of the same season's birth in the water at sea nor on a patch of floating kelp and in fact never knew of their being born anywhere save on a rookery. *I have, however, cut open a gravid cow and taken the young one from its mother's womb, alive and crying.* I do not believe it possible for a fur-seal to be successfully raised unless born and nursed on a rookery. I have seen fur-seals resting on patches of floating kelp at sea, but do not believe they ever haul up for breeding purposes anywhere except on rookeries.

Chad George (*ibid.*, p. 365) 27 year old and a seal hunter since he was a mere boy, has been engaged in the killing of seals and speared everything that came near his boat, regardless of sex. *He had killed seals 200 miles from the Pribilof Islands that were full of milk.*

H. A. Gliddon (*ibid.*, p. 210), stated that the females during the entire sealing season are going and coming to and from the water for the purpose of feeding, and in his opinion while the females are thus going to and from the feeding ground and through the Aleutian passes they are intercepted and shot by open-sea sealers.

Capt. E. M. Greenleaf, a resident of Victoria, British Columbia, a seafaring man, holding a commission as master mariner, captured at one time sixty-three seals, all of which were females and all were pregnant (*ibid.*, p. 324). He was informed by conversation with Bering Sea seal hunters that they killed seal cows 20 to 200 miles from the breeding grounds, and that these cows had evidently given birth at a recent time to young. As to the proportions of seals fired at and killed or wounded, it is his

judgment that, taking the run of hunters, good and bad, the *best get about 50 per cent* of those shot at, and the poorest not more than one out of fifteen.

Cumulative testimony to this effect might be cited to the extent of wearisome repetition, but if the learned Arbitrators should desire to pursue the subject as far as the evidence will permit, we give below references to the testimony to be found in the Appendix and not specially quoted.

We submit that it is absolutely conclusive unless, as we have suggested before, for some unknown reason it should be rejected as intentionally and criminally false.

Arthur Griffin (*ibid.*, p. 325) *captured females from 20 to 200 miles from the rookeries.*

James Griffin (*ibid.*, p. 433) *killed female seals full of milk 90 miles from the islands.*

Martin Hannon (*ibid.*, p. 445) *killed them full of milk 100 miles from the seal islands.*

James Harrison (*ibid.*, p. 326) *caught 200 seals in the Behring Sea about the 1st of June, mostly mothers.*

James Hayward (*ibid.*, p. 327) *caught them 150 miles from the shore and skinned them when their breasts were full of milk.* He says that they travel very fast and go a long way to feed.

J. Johnson (*ibid.*, p. 331) *killed female seals full of milk 75 miles from the island; used a shotgun and killed everything.*

Louis Kimmel (*ibid.*, p. 173) *had observed them at least 20 miles from the islands.*

Andrew Laing (*ibid.*, p. 334) *had caught them 75 to 100 miles from the island and in skinning them the milk would run out of the teats of the females, they having given birth recently to young on the islands.*

William H. Long (*ibid.*, p. 457) *killed mothers in milk all the way from 10 to 200 miles off shore.*

Thomas Lowe (*ibid.*, p. 371) in 1889 hunted in the Bering Sea from 80 to 100 miles off the Pribilof Islands. *Two-thirds of his catch were cows in milk.*

Thomas Lyons (*ibid.*, p. 460) about the 26th or 28th of June went into the Bering Sea and caught 389 seals, *nearly all* of which were *mothers in milk.* He knows it as he saw the milk flow on the deck while skinning them.

William M. McLaughlin (*ibid.*, p. 461) killed them *50 to 60 miles off shore, most of them with milk.*

Alexander McLean (*ibid.*, p. 436) killed them as far off as *150 miles off the land*. They were *mothers with young*.

Daniel McLean (*ibid.*, p. 444) killed mothers all the way from 20 to 65 miles off St. George and St. Paul.

Robert H. McManus (*ibid.*, p. 335), a resident of Victoria; by profession a newspaper correspondent; went for his health on a sealing expedition. His deposition is exceptionally minute and interesting. The men on his ship (*Schooner Otto*) killed them at a distance of 200 miles from the rookeries. Over three-fourths of his catch were cows in milk. Judged from the number of shots fired that it took about one hundred to secure one seal; one day there was a total catch of seventeen seals; greater proportion were in milk; horrid sight; could not stay the ordeal out till all were flayed.

Thomas Madden (*ibid.*, p. 463) has spent or had been going to the Bering Sea over 12 years, which he entered about June. Most of the seals killed were cows and he saw the milk run out of their breasts on the deck as they were being skinned.

G. E. Miner (*ibid.*, p. 466) killed seals *with milk* 250 miles from the Pribilof Islands.

Thomas F. Morgan (*ibid.*, p. 60) says that the female goes *40 miles or even farther* from the island.

Niles Nelson (*ibid.*, p. 469) *swears that he has killed mothers in milk 100 miles or more* from the island.

Dr. Noyes (*ibid.*, p. 82), resident physician and sometimes schoolmaster on the islands, says that the female mother goes a distance of from *40 to 200 miles from the island to feed*. His deposition is very full and interesting. It is valuable as shedding light on most, if not all, of the questions here involved.

John Olsen (*ibid.*, p. 471) *swears that he shot twenty-eight himself from 50 to 150 miles off* the seal islands. *They were mothers full of milk.*

Other witnesses estimate the distance at 60 miles, 100 miles, etc. See T. F. Ryan (*ibid.*, p. 175), C. M. Scammon (*ibid.*, p. 473), Adolphus Sayres (*ibid.*, p. 473), L. G. Shepard (*ibid.*, p. 187), William H. Smith (*ibid.*, p. 478), Z. L. Tanner (*ibid.*, p. 374).

Capt. Tanner, lieutenant-commander in the United States Navy, makes a deposition which is entitled to particular consideration. The following is a short extract:

Seals killed in Bering Sea after the birth of pups are largely mother seals, and the farther they are found from the islands the greater the per-

centage will be. The reason for this seeming paradox is very simple. The young males, having no family responsibilities, can afford to hunt nearer home, where food can be found if sufficient time is devoted to the search. The mother does not leave her young except when necessity compels her to seek food for its sustenance. She can not afford to waste time on feeding grounds already occupied by younger and more active feeders; hence she makes the best of her way to richer fields farther away, gorges herself with food, then seeks rest and a quiet nap on the surface. Under these circumstances she sleeps soundly, and becomes an easy victim to the watchful hunter.

A double waste occurs when the mother seal is killed, as the pups will surely starve to death. A mother seal will give sustenance to no pup but her own. I saw sad evidences of this waste on St. Paul last season, where large numbers of pups were lying about the rookeries, where they had died of starvation.

Adolph W. Thompson (*ibid.*, p. 486) killed females in milk, *although he never went nearer to the island than 25 or 30 miles.*

Michael White (*ibid.*, p. 489) killed seals in milk *not less than 100 to 200 miles* from the island.

William H. Williams (*ibid.*, p. 93), United States Treasury agent in charge of the seal islands in Bering Sea, states that it is a well-known fact substantiated by the statements of reputable persons who have been on sealing vessels and seen them killed *200 miles or more from the islands, and who say that they have seen the decks of the vessels slippery of milk flowing from the carcasses of the dead females.* He alludes to the thousands of dead pups left on the rookeries starved to death by the destruction of their mothers as conclusive evidence of the destruction and havoc wrought by the pelagic seal hunters.

If this cumulative and unimpeachable evidence does not establish the fact which we have undertaken to prove, we must despair of satisfying this High Tribunal or any other tribunal of the correctness of our statements. We submit, however, that it is more than made out—that it must be taken as a fact in the discussion of this case—that the cows, while suckling, go to sea for food; that they travel long distances, sometimes as great as 200 miles; and that during such excursions they are ruthlessly slaughtered by pelagic sealers, in many cases without profit, as they sink and are irretrievably lost. The sickening details, abundantly furnished by the witnesses, sufficiently characterize the business, and justify the harshest expressions of condemnation. The slaughter thus described constitutes a crime, for it violates the most common instincts of our nature and would be punished by the laws of every civilized nation, if jurisdiction could only be acquired over the wrong doers. And yet the Commissioners for Great Britain undertake to justify this

practice for its sportsman-like qualities, and to eulogize it because it gives the seals a fair sporting chance for their life (Sec. 625). It is really, they say, *hunting as distinguished from slaughter (ibid)*. It is not easy to discuss these propositions with that patient and respectful consideration which is due to the importance of the questions involved.

VIII.—THE FUR-SEAL IS A POLYGAMOUS ANIMAL, AND THE MALE IS AT LEAST FOUR TIMES AS LARGE AS THE FEMALE. AS A RULE, EACH MALE SERVES ABOUT FIFTEEN OR TWENTY FEMALES, BUT IN SOME CASES AS MANY AS FIFTY OR MORE (CASE OF THE UNITED STATES, p. 327).

A great diminution in the number of females making up a harem has been noticeable in late years. Formerly there would be on an average 30 cows to a bull; now they will not average 15 (Case of the United States, p. 344). The British Commissioners are in substantial accord with the statements above quoted as to the service of the female by the male. They cite from Bryant to show that the proportion is 1 male to 9 to 12 females; from Elliott, that the mean number is 5 to 20, and from Mr. Grebnitzky, that the ratio should not exceed 1 to 20 (Sec. 54). This is sufficient for our present purposes, especially as they add that it is no *uncommon event*, during the last few years, *to find a single male seal with a harem numbering from 40 to 50, and even as many as 60 to 80, females* (Sec. 55). With their deductions from these facts we are not at this moment concerned. It is apparent, on the face of the report, that the Commissioners had a theory to support and that the facts were read by them in the light of that theory. An amusing illustration, among many, is found in the statements on this very point. Bearing in mind the severe criticism of earlier sections (54, 55, and 56) upon the system of sacrificing males so that the bulls are forced to supply the necessities of *40 to 60 and even 60 to 80 females*, read section 483, describing the condition of seal life as far back as 1842:

In the well-known Penny Cyclopedias, published *so lately* as 1842 [half a century ago], the seal is described as follows: * * * "When these migratory seals appear off Kamtchatka and Kuriles early in the spring, they are in high condition and the females are pregnant. They remain on and about the shore for two months, during which the females bring forth. They are polygamous and live in families, *every male being surrounded by a crowd of females (from 50 to 80), whom he guards with the greatest jealousy.*" (Sec. 483.)

It would seem from this extract that the polygamous practices and habits of the seal have not changed since 1842 and that the service by

one male of a large number of females is *not* new and is *not* the result of excessive slaughter on the land.

We are not left, however, to the statements, inconsistencies, and citations of the British Commissioners' report. The testimony of many witnesses bears out the propositions stated in the Case of the United States and disposes at the same time of the pretense that the bulls are now compelled to perform increased and exhaustive duty by reason of a reduction in the number of young bulls.

The fact seems to be well established that the bull is possessed of extraordinary powers. He is able to subsist several months without tasting food and to fertilize at the same time an almost indefinite number of cows. The limitation in the number of his harem depends generally upon his ability to secure a larger or smaller proportion of females. He gathers about him as many cows as he can. Joseph Stanley-Brown speaks on this subject from actual observation. He describes the breeding bull as possessing "a vitality unsurpassed by any other member of the animal kingdom." He testifies that the very large harems were unfrequent and that the average number in the season immediately preceding was about 20 to 25. (Appendix to Case of the United States, Vol. II, p. 13). Charles Bryant places the average at 15 to 20 cows for each bull. (*Ibid.*, p. 6.) Samuel Falconer testifies to having seen 20 cows or more to a bull, but of course, he added, the exact number in a harem is a matter of conjecture, as many cows are absent in the water after the season has fairly commenced. (*Ibid.*, p. 166.) T. F. Morgan testifies that the bull returns to the island about the 1st of May and hauls up to the breeding rookeries, provided he is able to maintain himself there, which takes many bloody conflicts. *There he gathers about him as many females as he is able.* (*Ibid.*, p. 3.) Capt. Olsen is quoted by Theodore T. Williams as placing the number of females served by one bull at 20 or 25 (*ibid.*, p. 505.).

The respective weights of the animals is placed in the Case of the United States at 400 to 700 pounds; that of the cows at 100 (pp. 107, 113).

This great disparity in bulk should be borne in mind when we consider the probability of pelagic copulation.

The Encyclopedia Britannica states the weight of the animals substantially as it is stated in the testimony and case. The male seal is said to weigh 500 to 700 pounds, the females 80 to 100. There seems to be

no dispute as to these estimates (The Cyclopedie also states that soon after the landing the female gives birth to one pup, weighing about 6 pounds).

The real conflict between the report of the British Commissioners and the Case of the United States seems to be as to the number of cows in a harem. The British Commissioners assert that the number is unduly large of cows served by one bull; the United States produce credible and experienced witnessess to show that, on the contrary, the number of females is decreasing. A comparison is invited between the two statements and the quality of proof adduced in favor of each. It is plain that the British Commissioners could not admit the diminution in number of female seals without admitting that decrease to be wholly due to pelagic slaughter. They are therefore reduced to the necessity of insisting that there is a redundancy of females and a deficit of males on the Islands. They are kind enough to admit, however, that "the sparing of females, *in a degree*, prevented, for the time being, the actual depletion of seals on the islands" (Sec. 58). It is not probable that any reasonable person will take issue with them on that point. The intelligence and legislation of the civilized world, not to speak of humanity in its broad sense, have concurred that to spare the female was, not the best, but the only effective method of preventing depletion and eventual extermination.

Even if we should concede, for the sake of the argument and in direct disregard of the fact, that the diminution is due to the smaller number of males, we would venture to remind this High Tribunal, if such a reminder were needed, that the pirates or poachers who pursue and slaughter the pregnant and nursing females are killing, by starvation in the one case, by the mother's death in the other, *a large number of males*. Even, according to their own showing, the British Commissioners must realize that *pelagic sealing is responsible*, to some extent at least, *for the decrease in the number of males, as well as of females*. They may speak of this "industry," as they term it, and glorify it as requiring all the courage and skill which can be brought to bear on it (whatever that may mean). (Sec. 609.) They may contrast its "sportsmanlike" character with the "butchery" committed on the islands (Sec. 610); but they can not fail to perceive that the mode of destruction which principally deals with gravid females, necessarily strikes at the very foundation of life and must eventually extinguish the race, because, as they mildly state it, it is *unduly destructive* (Sec. 633).

The pelagic sealer not only kills or attempts to kill the males that he happens to meet, but prevents the birth of males to take their place. He often kills three with one discharge of his rifle, viz.: the mother, the unborn young, and the pup at home; but he does it in a "sportsman-like" manner, and he gives the sleeping animal a "fair sporting chance for its life." (Sec. 610.) In many cases he either misses his object or wounds it and loses it. So that there is by this manly process an utterly useless waste of life, in many cases a waste more or less appalling as the "sportsman" is more or less skillful. How destructive in reality this process is proven to be may be seen from the British Commissioners' report under the head of "Proportion of Seals Lost," (p. 104, Sec. 603) It must be a consolation to those disposed to extol this kind of sport that while nearly "all the pelagic sealers concur in the opinion that the fur-seal is annually becoming more shy and wary at sea," it is certain that "*the dexterity of the hunters has increased pari passu with the wariness of the seals.*" (British Commissioners' Report, Sec. 401.)

That the number of the seals has been diminished in recent years and at a cumulative rate, and that such diminution is the consequence of destruction by man, is certified by the Joint Report of all the Commissioners. That this human agency is pelagic sealing exclusively, and not the mode, manner, or extent of capture upon the breeding islands, is abundantly clear.

This follows necessarily from admitted facts. The fur-seals being *polygamous*, and each male sufficient for from 30 to 50 females, and being able to secure to himself that number, it follows that there must be at all times a larger number of superfluous males, and the killing of these produces no permanent diminution of the number of the herd. On the other hand, the killing of a single breeding female necessarily reduces *pro tanto* the normal numbers.

An excessive killing of males might indeed tend toward a decrease if carried to such an extent as not to leave enough for the purpose of effectual impregnation of all the breeding females. The taking from these herds of 100,000 males would not, if that were the only draft allowed, be excessive. This is evident from many considerations.

(a) Those who, like the British Commissioners, propose to allow pelagic sealing to such an extent as would involve the annual slaughter of at least 50,000 females *in addition to a slaughter of 50,000 young males* on the breeding islands, can not certainly with the least consistency assert that the capture limited to 100,000 males would be excessive. Nor

could they consistently assert this even though the pelagic slaughter should be restricted (by some means which no one has yet suggested) to 10,000 females. It requires no argument to show that the destruction of even that number would be rapidly disastrous to the herds.

(b) And when we turn to the proofs, they are conclusive that prior to the practice upon any considerable scale of pelagic sealing, the annual draft of 100,000 young males did not tend to a diminution of numbers.

(c) Of course it is easily possible that the indiscriminate slaughter effected by pelagic sealing may soon so far reduce the birth rate as to make it difficult to obtain the annual draft of 100,000 young males. This draft, under such circumstances, would not necessarily at once diminish the birth rate, for, the number of females being less, a less number of males would be required. The number of the whole herd might be rapidly diminished by the slaughter of females and the consequent diminution of the birth rate, and still 100,000 males continue to be taken for a time without damage. How soon a point would be reached at which so large a draft of males from a constantly diminishing number of births would operate to produce an insufficiency of males, is a problem which from want of precise knowledge of the relative numbers of the sexes, it would be difficult to solve.

The British Commissioners' Report upon this subject is as follows:

The systematic and persistent hunting and slaughter of the fur-seal of the North Pacific, both on shore and at sea, has naturally and inevitably given rise to certain changes in the habits and mode of life of that animal, which are of importance not only in themselves, but as indicating the effects of such pursuit, and in showing in what particular this is injurious to seal life as a whole. Such changes doubtless began more than a century ago, and some of them may be traced in the historical precis, elsewhere given (Sec. 782 *et seq.*). It is unfortunately true, however, that the disturbance to the normal course of seal life has become even more serious in recent years, and that there is therefore, no lack of material from which to study its character and effect even at the present time.

In the zeal of their advocacy on behalf of pelagic sealing and their denunciation of the methods in use on the Islands, the Commissioners have experienced much and evident difficulty in framing their theory. If they admitted, in unqualified terms, a decrease in number, the obvious deduction from the concession would be that the unlimited slaughter of females must bear the blame and burden of such a result. To that extent pelagic sealing must be condemned. If, on the other hand, they should assert that the number actually increased, this

would only be consistent with an approval of the methods in use on the land. Between this Scylla and this Charybdis a way of escape must be found and it was found. The ingenuity here displayed deserves full notice and acknowledgment. The Joint Report contains this statement:

We find that since the Alaska purchase a marked diminution in the number of seals on and habitually resorting to the Pribilof Islands has taken place, that it has been cumulative in effect and that it is the result of excessive killing by man.

Bearing in mind that the fur-seals forming the object of this controversy have no other home or land than the Pribilof Islands, and that the British Commissioners themselves concede that they, *for the most part, breed* on those islands; bearing in mind, too, that these gentlemen have not yet discovered any other *summer habitat* for the seals, it would seem that this declaration is equivalent, in its fair sense and meaning, to a statement that *the fur-seals that frequent the American coast and the Bering Sea have suffered a marked decrease.*

Perhaps it was so intended by the British as it was by the United States Commissioners; but if so, the former gentlemen have lost sight of their original intention and have been led to nice distinctions, which we shall now examine.

That the seal, although "essentially pelagic" (Sec. 26), has not yet learned to breed at sea is not denied, although to the vision of the Commissioners the prospect of such a transformation or evolution is evidently not very remote. We must, in justice to them, quote one single passage which admirably illustrates the complacency and self-confidence with which they wrest to their own purposes, with unhesitating violence, the laws of nature and the mysteries of ulterior evolution. If this quotation does not give a just idea of the imaginative powers of these officials nothing but a perusal of the whole of their work will do them justice:

The changes in the habits and mode of life of the seals naturally divide themselves into two classes, which may be considered separately. The first and most direct and palpable of these is that shown in the increased shyness and wariness of the animal, which, though *always pelagic* in its nature, has been *forced by circumstances* to shun the land more than before, so that, but for the necessity imposed upon it of seeking the shore at the season of birth of the young, *it might probably ere this have become entirely pelagic.*

An animal "always pelagic," *forced by circumstances to shun the land more than before*, and which *would become entirely pelagic long before*

this if it were not *obliged* to seek the shore for so trifling an object as giving birth to its young certainly deserves to be classed among the curiosities of nature. The difference between animals (now) *always* pelagic and those (in the future) *entirely* pelagic may not readily be understood without explanation not vouchsafed. How can *they be always pelagic* if they are obliged to seek the land or perish and why is it reasonable to talk of the probability of their becoming something different from what they are when that conjecture is based upon nothing but reckless and grotesque assumption? Of course this and other specimens of affront to common sense are merely gratuitous and pointless vagaries. But the thesis must be sustained viz: that the seals are not even amphibious animals; their resort to land is a merely accidental necessity, and therefore the United States can no more claim a right to or possession in them than in other "essentially pelagic animals," such as the whale, the codfish, or the turbot.

If anything more were needed to emphasize the absurdity of this defiance of well-known facts and settled distinctions in the animal world we might still further cite the British Commissioners on the subject of the seal *pelage* or shedding of hair. It seems that these pelagic animals were not endowed by nature with the proper skin to perform this function in their native element. Unless they can find a suitable place *out of water* they retain the old hair and disregard the laws which would compel an annual shedding. Lest this seem an exaggeration, read their Report citing Mr. Grebnitsky: "During the 'stagey' or shedding season their *pelage becomes too thin to afford a suitable protection from the water.* (See section 202, also 281, 631, 632.)

It is hardly necessary to say that this theory, so gravely and seriously advanced, that the seal is naturally and essentially a pelagic animal, is utterly unsustained by evidence, is refuted by the language of the Commissioners themselves and disputed by elementary writers. It is only necessary to ascertain how naturalists define pelagic animals and then compare such definition with the known characteristics and rudimentary elements of seal life (see especially for this the books of Johns Hopkins University). Besides, the unanimous and unquestioned testimony of the agents for the Government and the company shows that the fur-seals spend at least four months of the year on the Pribilof Islands.

Having found, with the American Commissioners, a *marked diminution* in the number of seals on and habitually resorting to the Pribilof Islands, the British Commissioners proceed to show that the seals are

more numerous than ever. They have, no doubt, demonstrated this to their entire satisfaction on pages 72 and 73 of their Report. Capt. Warren they quote as saying that he noticed no *diminution* in the number of seals during the twenty years that he had been in the business, and, if any change at all, an increase. (Sec. 403.) To the same effect, Capt. Leary, who says that in the Bering Sea they were *more numerous than he had ever seen them* (Sec. 403); while Mr. Milne, collector of customs at Victoria, reports, what others have said to him, that owners and masters do not entertain the slightest idea that the seals are scarce. (Sec. 403.) What a tribute this must be to the management of the Pribilof Islands if, notwithstanding the conceded destruction of gravid and nursing females, these statements should be true. Capt. W. Cox took 1,000 seals in four days, *100 miles to the westward of the Pribilof Islands.* (Sec. 405.) He found the seals much more plentiful in Bering Sea than he had ever seen them before. It would have added much to the interest of Capt. Cox's statement if he had told us how many of these seals gave evidence of having left their pups at home.

The British Commissioners multiply the evidence to show that the general experience as stated to them has been that seals were equally or more abundant at sea at the time of their examination than they had been in former years. It is difficult to treat this with the respect that a report emanating from gentlemen of character and high official position should meet. Either the statement in the Joint Report is true and the assumption of an increase is untrue, or *vice versa.* In view of the evidence that these seals have no other home than the Pribilof Islands, it is plain, beyond the necessity of demonstration, that *all the seals killed by Capt. Cox and others in the Bering Sea were inhabitants of those islands,* and the testimony only goes to show that the mothers do go out to sea 100 miles or more, as is sworn to by the witnesses for the United States, and that it is while they are on the feeding grounds, or searching abroad for food, that they are captured by the Canadian poachers. If this is not so, then let the Commissioners or those advocating their views tell us where these seals slaughtered by Capt. Cox and others found their "summer habitat".

Any pretense that the seals are decreasing *at home*—*i. e.*, where they live through the summer, and breed, and nurse, and shed their hair—and at the same time are increasing in the sea is simply an absurdity. It would have added much to the value of the testimony of all these

masters if they had not sedulously avoided stating the sex of the animals that they killed.

There is one, and one explanation only, of this, and that explanation makes the stories above quoted plausible. The pelagic sealers were engaged in hunting nursing mothers on the feeding grounds, where those animals are found in large numbers. The decrease proved, and, indeed, admitted to exist (see Joint Report), had not yet been so great as to be manifest to those sealers who were so fortunate as to fall in with a number of females either intent upon finding the food necessary to produce a flow of milk or sleeping on the surface of the water after feeding.

And here we may note another illustration of the *thesis* and its advocacy. Having satisfied themselves that pelagic sealing rather operated to increase the supply of seals, they remembered that the killing of young males was objectionable and likely to result in extermination, and thereupon discovered the fact that "a meeting of natives was held" at which the aborigines unanimously expressed the opinion that the seals had diminished and would continue to diminish from year to year (an opinion, too plain, we think, for argument), but they at once assign the reason, which is not the killing of many females, but the extraordinary fact that "*all the male seals* had been slaughtered without allowing any to come to maturity upon the breeding grounds" (Sec. 438).

Having thus proved that the seals were in a flourishing condition of increase, and that they were decreasing in an alarming degree, the conclusion is reached that the decrease is on the land and the increase in the water:

The general effect of these changes in the habits of the seals is to minimize the number to be seen at any one time on the breeding islands, while the average number to be found at sea is, at least proportionately, though *perhaps* in face of a general decrease in the number of seals, not absolutely increased (Sec. 445 of British Commissioners' Report).

Would it be irrelevant to inquire what was the "summer habitat" of the numerous seals slaughtered by Capt. Warren, Capt. Leary, and Capt. Cox? Were they not *all* of the Pribilof family? Did not the Commissioners who quoted Capt. Cox to the effect that he had, no doubt in true sportsmanlike fashion, with a shotgun, killed 250 seals a day for four days, know that the enormous majority of these were nursing mothers, whose *pups* were starving at home?

IX.—DESTRUCTION BY PELAGIC SEALING AND ITS EXTENT—THE REMEDY PROPOSED BY THE BRITISH COMMISSIONERS—THE TRUE AND ONLY REMEDY CONSISTS IN ABSOLUTE PROHIBITION OF PELAGIC SEALING.

It has been heretofore sought to show that the Commissioners for Great Britain in drawing up the report had endeavored to reach a conclusion favorable to the slaughter of seals at sea, an "industry," as they call it, in which they apparently saw little that was objectionable and which they believed it to be the interest and policy of their country to protect. In the course of their examination, however, they have necessarily been furnished with facts palpably inconsistent with their theory and have been reluctantly compelled to produce proofs of the barbarous, savage, and destructive processes by which the Canadian poachers secured their prey.

(a) The Commissioners allude in sarcastic vein to the fact that "there is a 'remarkable agreement' found among those interested in decrying pelagic sealing, to the effect that the pelagic sealers do and must kill a large number of female breeding seals." Why this "agreement," which undoubtedly exists, should be mentioned as "remarkable," we fail to perceive, the evidence produced by the Commissioners themselves plainly showing that no discrimination is or can be made by the pelagic hunters and that they slaughter indiscriminately all the animals that appear within reach of their shotguns. They themselves admit that "a considerable proportion of gravid females" are slain (Sec. 648), and their own witnesses describe the process of skinning them on deck, in the course of which milk and blood flow freely together, while in some cases fully formed young are taken from the slaughtered mothers. Under such circumstances there is no ground for any criticism nor any reason shown why general acquiescence in such a proposition should be treated with a sneer upon the truth of the statement.

(b) It is *certain*, they say, that *females with milk* are *occasionally* killed at sea by the pelagic sealers (Sec. 314). That they should not be able to give the exact proportion of the pregnant and nursing females to the rest may be due to the fact that their informants, while exulting over the large slaughter that they succeeded in accomplishing in Bering Sea, do not appear to have stated how many of such breeding females they had succeeded in capturing (page 73).

(c) It is claimed, however, that pelagic seal-fishing is not the only cause for the decrease of the seals on the Pribilof Islands, and this is supported by a quotation to be found at page 187 of their Report, as to the probable fate of the fur-seal in America. The paragraphs relating to the objectionable features of pelagic seal-fishing seem to be omitted and indicated by asterisks, but the paper is quoted to show that driving of the seals on the island is one of the evils which may be remedied. The conclusion of Mr. Palmer, the authority thus cited, is (1) *that no seals should be killed by any one at any time in the waters of Bering Sea*; (2) that all seals driven on the islands should be killed; none, he says, should be driven and again allowed to enter the sea (p. 189). Certainly Mr. Palmer's paper is very interesting and if his facts and conclusions are adopted *pelagic "seal-fishing"* must be prohibited. "The killing of seals as conducted on the islands," he says, "is as near theoretical perfection as it is possible to get it. They are quickly dispatched and without pain. One soon recognizes, as in the killing of sheep, that in the quickness and neatness of the method lies its success, all things considered" (p. 187). This certainly does not agree with the "sportsmanlike" view of the British Commissioners, but embodies what we might call the humane and common-sense aspect of the subject by showing that, so far from the desirability of giving the seal "a chance for its life," there should be a selection made in each case and the animal should be painlessly and immediately slaughtered. The object should be, not to provide sport to adventurous men and keen hunters, but to secure as many animals as possible with humanity and a due regard to the preservation of the race.

(d) It is respectfully submitted that as between the two systems, one of which is "theoretically perfect" and in the course of which the animals are selected and "promptly and neatly killed," on the one hand, and indiscriminate sealing at sea on the other, there can be no room for hesitation. But the evident and unquestionable superiority of the methods adopted on the islands consists, also, in the fact that it is by its nature susceptible of indefinite improvement. No argument is needed to show that the "theoretical" perfection may with care become "practical" perfection, and that if driving be really open to the objections made by Mr. Palmer it is not impossible—indeed, it must be comparatively easy—to remedy them in the manner suggested by himself or otherwise. In the preservation of pelagic sealing all concur that it is impossible to select

the seals which it is desirable to kill and that the circumstances and nature of the animal are such that in most cases the female pregnant or giving suck must fall a victim to the weapons of the poacher. Indeed the British Commissioners themselves state (Sec. 648) that it is generally admitted that a considerable portion of gravid females are found among the seals taken in the early part of each sealing season. Between two such systems, we repeat, there can be no hesitancy as to which should be preferred, the one based on humane and intelligent principles, and which the interest of the parties concerned would naturally make as perfect as possible, the other, which by its very nature leads to brutality and undue destruction, and which is profitable only when it is cruel and indiscriminate. These considerations are reinforced by the very significant fact that the *breeding females when found at sea are always pregnant or nursing, and frequently both*. This follows from the undisputed facts (1) that the period of gestation is over eleven months; (2) that they reach the islands when on the point of delivery; (3) that they remain there until fertilized, and (4) that during the period of their stay they nurse the young, which depend wholly upon their milk for sustenance.

(e) The British Commissioners' suggestion as a remedy for the slaughter of the mothers and nurses, contained in section 155, subdivision c, does not seem to be one which can have been very seriously entertained by themselves. They suggest a provision that a close season be provided *extending from the 15th of September to the 1st of May in each year*, during which all killing of seals shall be prohibited, with the additional provision that no sealing vessels shall enter Bering Sea *before the 1st of July in each year*. They state as a fact in section 649 that "Bering Sea is now usually entered by the pelagic sealers between the 20th of June and the 1st of July and in Bering Sea the same conditions hold" that are described in section 648, namely, that a considerable portion of gravid females are found among the seals taken in the early part of each sealing season. They also say that the pregnant females begin to "bunch up" and to travel fast toward Bering Sea, at the latest, the 1st of June. In other words, *the best season for killing nursing and pregnant females in the Bering Sea is precisely the season recommended by the commissioners as the proper one for allowing the slaughter*. Surely the pelagic sealers could ask no better protection for their "industry" in Bering Sea than this, nor could any better method of continuing the abuse and hastening the destruction be devised than opening the catch to the pelagic sealers at their favorite season.

To understand this extraordinary recommendation fully, sections 648 and 649 of the British Commissioners' Report should be read together. It may be taken for granted that the pelagic sealers need not be told when the hunting season in Bering Sea is at its best. Experience has taught them, and they have profited by the instruction, that their operations in Bering Sea could be most profitably conducted *during the months of July and August*. Hence it has been their usage to *enter Bering Sea between June 20 and July 1* (Sec. 649). They would probably not rebel against a possible and occasional delay in opening the season, by ten days. The nursing mothers would be still especially open to capture, and would still constitute the staple article of their "industry." In their search for food and in the instinctive confidence which the mothers of dependent offspring almost universally exhibit the seals would be less "wary" than at other seasons, and good shots might still carry on their mission of destruction with the superadded comfort that their business was made reputable by law. As if to make even this small restriction upon the liberty of the pelagic sealer less objectionable, he is reminded that "after about the 20th of May or at the latest the 1st of June, very few females with young are taken." (Sec. 648.) His loss would thus be trifling so far as Bering Sea as a field of profitable operation is concerned. It seems that in fine sealing weather the schooners can not keep up with the females. Hence they are not all slaughtered. At this time, after May 20, or June 1, the pregnant females begin to "bunch up" and the catch consists chiefly of young males and barren females (Sec. 648). Why, then, even this restriction? When are the breeding females captured? Is it really intended to assert that the only injury done is that "at a later date in the summer *a few females in milk*, and therefore presumably from the breeding places on the islands, are occasionally killed, but no large numbers?" So extraordinary a statement made in the face of overwhelming proofs requires no discussion. The British Commissioners should have vouchsafed information as to the thousands of *nursing mothers* killed during the season from July to September and should have told us whence they came and where was their "summer habitat." It is very likely, as they assert, that *very few females with young* are taken after June 1. The obvious reason is that they have become nursing mothers by the 1st of July, those that escaped the shot-gun, the rifle, the spear, and the gaff having found temporary shelter and protection on the islands.

(f) Although we have laid much stress upon this in other parts of

this argument, the subject is so important that we again recur to it and call attention once more to the admissions and inconsistencies in the British Commissioners' Report. The Commissioners in section 612 exhibit much indignation at the free use that has been made of the appellations "poachers" as applied to the pelagic sealers in general and to Canadian sealers in particular. This, they say, has been done with the obvious purpose of prejudicing public opinion. They then proceed to claim that "adventurers" from the United States are mainly responsible for the reduction of seals brought about in the southern seas. The killing of seals, they say, has always and everywhere been carried out in the indiscriminate, ruthless, and wasteful manner described in detail in several of the works cited in their Report, and in most cases a greater part of the catch has consisted of females. (Sec. 612.) It is certainly no part of the purpose of counsel for the United States to defend "adventurers" guilty of these barbarous practices, whatever the nation to which they belong. It is rather a question of humanity than of nationality, and the United States would not hesitate to undertake and to assure the repression of practices which can not be described in over-harsh terms if their own citizens alone were engaged in the business. It is only to prevent "the indiscriminate, ruthless, and wasteful slaughter" by persons who claim the protection of a foreign flag that these methods of arbitration are resorted to.

But the waste of the seals lost, in addition to the destruction of the fetus or of the pup, as the case may be, is shown to some extent by the Report of the Commissioners for Great Britain. We refer especially to sections 613, 614, 615, 617, 618, 619, 620, 621.

The discrepancy between the two classes of statements given by themselves is very marked. The agents of the United States, captains in the United States Navy, the superintendents, and others testify that 40 to 60 per cent of the seals are lost. It would seem, however, from the testimony in defense of pelagic slaughter that old hunters are much more successful than the young ones. Green hands, says the captain of the *Eliza Edwards*, might lose as much as 25 per cent of the seals shot, but experienced hunters would bag their game to the extent of 95 per cent; that is to say, they would lose but 5 per cent of the females shot. (Section 625.) The number of green hands on board the schooner *Otto*, on which Robert H. McManus, a journalist, was a passenger, sailing for his health, must have been very great in proportion to the whole crew. It seemed to him that they did not get

over one seal to every hundred shot at. (Vol. II, p. 335, of the Appendix to the Case of the United States.)

We shall now lay before this High Tribunal additional testimony as to the nature and extent and effect of pelagic sealing. The extracts and references about to be given may seem monotonously cumulative, but it is important to show, otherwise than by mere affirmation, how far the existence of the herd is menaced and how soon extermination may be expected unless prompt and efficient measures of redress be adopted.

The evidence of credible witnesses, dealing neither in generalities nor in speculation, leaves no doubt as to the appalling extent of the massacre. It is impossible to assume that the witnesses produced for the United States deliberately perjured themselves as to numbers, dates, and distances. Even if any reason were given for throwing a suspicion upon their character, the reticence of many of the witnesses examined by the British Commissioners as to the sex of the animals killed is significant. It is to the credit of these persons that while they did not hesitate to state that they had slain large numbers of seals in Bering Sea without discrimination, they refrained from giving any precise data as to the sex of the animals that they captured.

If, however, it is desired to know how far this ruthless and exterminating process is carried, the desire for information may readily be gratified.

The sealing schooner *Favorite*, McLean, master, according to Osly, a native sealer who went to the Bering Sea on her as a hunter, captured 4,700 seals, most all of which were cow seals giving milk. They were captured at a distance of about 100 miles from the Pribilof Islands.

In 1888 the same hunter was on board the *Challenger*, Captain Williams, master. They were less successful and caught only about 2,000 seals, most of which were cows in milk.

In 1889, he again went to sea on the schooner *James G. Swan*, but the seals were not so abundant; they were rapidly decreasing. (Appendix to the Case of the United States, Vol. II, pp. 390, 391.)

Niels Bonde (*ibid.*, p. 315), of Victoria, British Columbia, was a seaman on board the schooner *Kate*. He went to the Bering Sea, arriving there in July, and left in the latter part of August. They had caught about 1,700 seals in that time between the Pribilof Islands and Unalaska. These were caught from 10 to 100 or more miles off St. George Island. The seals caught in Bering Sea were females that had given

birth to their young. He often noticed milk flowing out of their breasts. He had seen live pups cut out of their mothers and live around on the decks for a week.

Peter Brown (*ibid.*, p. 377), a native, part owner of a schooner for about seven years and owner of the *James G. Swan* for about three years; hunted in Bering Sea in 1888; the catch was nearly all cows that had given birth to their young and had milk in their teats. His people hunted with the spear and therefore did not lose many that they hit.

Thomas Brown, No. 2 (*ibid.*, p. 406), made a sealing voyage to the North Pacific and Bering sea on the *Alexander*. They caught 250 seals before entering the sea, the largest percentage of which were females, most of them having young pups in them. He saw some of the young pups taken out of them. They entered the sea about the 1st of May and caught between 600 and 700 seals, from 30 to 150 miles off the seal islands. Four out of five were females in milk. He saw the milk running on the deck when he skinned them. They used mostly shotguns, and got on the average 3 or 5 out of every 12 killed and wounded. Evidently these were what has been termed "green hands."

Charles Challall, who has been heretofore quoted, a sailor in 1883 on the *Vanderbilt*, in 1889 on the *White*, and in 1890 on the *Hamilton*, gives his experience, which may be found at pages 410 and 411. They captured a great many seals on the fishing banks just north of and close by the Aleutian Archipelago. Most of the seals they killed going up the coast were females heavy with pup. He thinks nine out of every ten were females. At least 7 out of 8 seals caught in the Bering Sea were mothers with milk.

Circus Jim (*ibid.*, p. 380), a native Makah Indian, captured a great many cow seals that were giving milk. Most of the seals he caught in the sea were giving milk. His theory as to the decrease of the animal, which he states as an undoubted fact, is that the white hunters had been hunting them so much with guns. "If so much shooting at seals is not stopped they will soon be all gone."

James Claphanho (*ibid.*, p. 381), a native Makah Indian, evidently found the business profitable, for he was the owner of the schooner *Lottie*, of 28 tons burden. Formerly he used nothing but spears in hunting seals, but he had since that resorted occasionally to the use of a gun. He says that about one-half of all the seals that he had captured in the Sea or on the coast were full grown cows with pups in them. In 1887, about the first of June, he went into Bering Sea in his own

schooner, the *Lottie*, and hunted about sixty miles off the Islands, and secured about 700 seals himself, all of which were cows in milk. These cows had milk in their breasts but had no pups in them. He returned to Bering Sea in his own boat, the *Lottie*, in 1889, and also in 1891, and sealed all the way from 100 to 180 miles from the St. George and St. Paul Islands. The catch of those two years was about the same as those caught in 1887, that is, mostly females that had given birth to their young and were in milk.

Louis Culler (*ibid.*, p. 321). According to him the white hunters in 1888 must have been nearly all "green hands," for they did not secure more than two or three out of every 100 shot. He was aboard the *Otto* in 1891, on board of which were two newspaper correspondents, King-Hall, representing the New York Herald, and Mr. McManus, of Victoria. They entered the sea through the Unamak Pass and captured therein about 40 seals, most all of which had milk in their breasts. After taking these seals they returned to Victoria, British Columbia, about the 25th of September.

John Dalton was a sailor and made a sailing voyage to the North Pacific and Bering Sea in 1885 on the schooner *Alexander*, of which Captain McLean was master. They left Victoria in January and went south to Cape Flattery and Cape Blanco, sealing around there about two months, when they went north, sealing all the way up to the Bering Sea. They had between 100 and 300 seals before entering the sea. Most all of them were females with pups in them. They entered the sea about June and caught about 900 seals in there, two-thirds of which were mother seals, with their breasts full of milk. He saw the milk flowing on the decks when they skinned them.

Alfred Dardean (*ibid.*, p. 322), a resident of Victoria, British Columbia, and during the two years preceding the making of his deposition, which was in April, 1892, he had been a seaman on the schooner *Mollie Adams*. They left Victoria, British Columbia, on the 27th of May, 1890, and commenced sealing up the coast, toward Bering Sea. They entered Bering Sea through the Unamak Pass about July 7, and sealed around the eastern part of Bering Sea until late in the fall. They caught over 900 seals before entering the sea, and the whole catch during that year was 2,159 skins. Of the seals that were caught off the coast fully ninety out of every one hundred had young pups in them. The boats would bring the seals killed on board the vessel, and they would take the young pups out and skin them. If the pup was a good

one they would skin and keep it for themselves. He had eight such skins himself. Four out of five, if caught in May or June, would be alive when they cut them out of the mothers. They kept one of them nearly three weeks alive on deck by feeding it on condensed milk. One of the men finally killed it because it cried so pitifully. They got only three seals with pups in them in the Bering Sea. Most all of them were females that had given birth to their young on the island, and the milk would run out of the teats on the deck when they were skinned. They caught female seals in milk more than 100 miles off the Pribilof Islands.

The same witness states that they lost a good many seals, but he does not know the proportion that was lost to the number killed. Some of the hunters would lose four out of every six killed. They tried to shoot them while asleep, but shot all that came in their way. If they killed them too dead a great many would sink before they could get them, and these were lost. Sometimes they could get some of them that had sunk by the gaff hook, but they could not get many that way. A good many were wounded and escaped only to die afterward.

Frank Davis (*ibid.*, p. 383), a native Indian of the Makah tribe, was sealing in the Bering Sea in 1889. He says, agreeing in this with all the other witnesses, that nearly all of the full-grown cows along the coast have pups in them, but the seals that he caught in Bering Sea were most all cows in milk.

Jeff Davis (*ibid.*, p. 384), and also a native Makah Indian, says that most of the seals that were captured there that season—that is, in 1889—were cows giving milk.

Capt. Douglass (*ibid.*, p. 420): His testimony is that a very large proportion of the seals killed along the coast and at sea, from Oregon to the Aleutian Islands, are female seals with pups; in his judgment not less than 95 per cent, as has been quoted heretofore. He also says that the proportion of female seals killed in Bering Sea is equally large.

Peter Duffy (*ibid.*, p. 41). By occupation a seaman on board the *Sea Otter*, Captain Williams, master. They left San Francisco and fished up the coast until they entered Bering Sea in July, and sealed about the sea until they were driven off by the revenue cutter *Corwin*. From there they went to the Copper Islands. The whole catch amounted to nine hundred skins, and most of them were killed with rifles. They only got one out of about eight that they shot at, and they were most all females giving milk or in pup. When they cut the

hide off you could see the milk running from the breasts of the seals. The second year they were more fortunate and got over 1,300 skins; some of them were cows with pups in them, and almost all of the rest were cows giving milk, and some of the latter were killed as far from the rookeries as Unimak Pass.

William Fraser (page 426), of San Francisco, had made three trips to the North Pacific and Bering Sea within the last six years. His business was that of a laborer; he acted as a boat-puller. They used shot-guns and killed about 300 seals in the North Pacific. Most of the females killed had unborn pups or were cows giving milk. The next trip, that he made was on the *Vanderbilt*. They did not enter the Bering Sea on that trip either. They got about 350 seals, almost all females. Finally he made a trip on the *C. G. White*, but does not know if he was on the American side or not. They killed about 600 seals on that trip, nearly all females. He noticed when they skinned them that they were females in milk, as the milk would run from their breasts on to the deck.

John Fyfe (*ibid.*, p. 429), of San Francisco, a sealer and boat-puller on the schooner *Alexander*, McLean, master. They entered Bering Sea about April and got 795 in there, the largest part of which were mother seals in milk. When they were skinning them the milk would run on the deck. Some were killed 50 to 100 miles off the seal islands. When they shot the seals dead they would sink and they could not get them.

Thomas Gibson (*ibid.*, p. 431) had been engaged in sealing for ten years. He gives his experience in detail and the number of seals that he killed in each season. He says:

I did not pay much attention to the sex of seals we killed in the North Pacific, but know that a great many of them were cows that had pups in them, and we killed most of them while they were asleep on the water. I know that fully 75 per cent of those we caught in the Bering Sea were cows in milk. We used rifles and shot guns and shot them when feeding or asleep on the water. An experienced hunter, like myself, will get two out of three that he kills, but an ordinary hunter would not get more than one out of every three or four that he kills.

Arthur Griffin (*ibid.*, p. 325), a seafaring man who resides at Victoria, British Columbia, sailed from that place on February 11, 1889, as a boat-puller on the sealing schooner *Ariel*, Buckman, master. She carried six hunting boats and one stern boat and had a white crew who used shotguns or rifles in hunting seals. They began sealing off the northern coast of California and followed the sealing herd northward, capturing about 700 seals in the North Pacific Ocean, two-thirds

of which were females with pup; the balance were young seals, both male and female. They entered Bering Sea on the 13th of July, through the Unimak Pass and captured between 900 and 1,000 seals therein, most of which were females in milk. They returned to Victoria on the 31st of August, 1889.

It will be observed here that Arthur Griffin's experience and success would not lead him probably to object to the *modus operandi* suggested by the British Commissioners. His operations by which 900 or a 1,000 seals, mostly females in milk, were secured in the brief space of six weeks, could be carried on not only with equal propriety, but with the additional advantage of being lawful.

His experience in 1889 was not exceptional. He went out again in 1890 in the *E. B. Marvin*, McKiel, master. They again captured between 900 and 1,000 seals on the coast, most of which were females with pups. They entered the sea on July 12 through Unimak Pass and captured about 800 seals in those waters, about 90 per cent of which were females in milk. His experience was that a good hunter will often lose one-third of the seals he kills. A poor hunter will lose two-thirds of those he shoots. On an average hunters will lose two seals out of three of those they shoot.

M. A. Healey (*ibid.*, p. 27). Capt. Healey, an officer in the United States Revenue Marine service, on duty for nearly the whole of twenty-five years in the waters of the North Pacific, Bering, and Arctic seas. He speaks from experience and says:

My own observation and the information obtained from seal-hunters convince me that fully 90 per cent of the seals found swimming in the Bering Sea during the breeding season are females in search of food, and the slaughter results in the destruction of her young by starvation. I firmly believe that the fur-seal industry at the Pribilof Islands can be saved from destruction only by a total prohibition against killing seals, not only in the waters of Bering Sea, but also during their annual immigration northward in the Pacific Ocean.

This conclusion is based upon the well-known fact that the mother seals are slaughtered by the thousands in the North Pacific while on their way to the islands to give birth to their young, and extinction must necessarily come to any species of animal where the female is continually hunted and killed during the period required for gestation and rearing of her young; as now practiced there is no respite to the female seal from the relentless pursuit of the seal-hunters, for the schooners close their season with the departure of the seals from the northern sea and then return home, refit immediately, and start out upon a new voyage in February or March, commencing upon the coast of California, Oregon, and Washington, following the seals northward as the season advances into the Bering Sea.

James Kean (*ibid.*, p. 448), a resident of Victoria, British Columbia, and seaman and seal hunter, gives his experience. He went seal-hunting in 1889 on the schooner *Oscar and Hattie*. He left Victoria in the latter part of February and went off south to the Columbia River, and commenced sealing off there and followed the herd along the coast up to Bering Sea, arriving there some time in June. They captured somewhere about 500 seals before entering the sea. There were a good many females among them. The old females had young pups in them. He saw them taken out and a good many of them skinned. They entered the sea and caught about 1,000 in there. Sometimes they were over 150 miles off the seal islands; sometimes they were nearer. He paid no attention to the proportion of females, but he knows that they skinned a great many that were giving milk, because the milk would run from their breasts onto the deck while they were being skinned. They killed mother seals in milk over 100 miles from the seal islands. They generally got them when they were asleep on the water. He went out again in the *Walter Rich* in 1890, with very much the same experience. He thinks that he got half of what he killed and wounded, but he did not believe that the green hunters get more than one out of every four or five that they kill.

For detailed and circumstantial evidence that the proportion of females taken to males was enormous, and that nearly all of these when taken in Bering Sea were nursing cows, see: William Hermann, page 445; Norman Hodgson, page 366; O. Holm, page 366; Alfred Irving, page 356; Victor Jacobson, page 328.

James Jamieson, (*ibid.*, p. 329): This witness, Jamieson, had been sailing-master of several schooners and had spent six years of his life sealing. He testified that he always used a shot-gun for taking seals; that over half were lost of those killed and wounded. A large majority of the seals taken on the coast were cows with pups. Once in a while an old bull is taken in the North Pacific Ocean. No discrimination was used in killing seals, but everything was shot that came near the boat in the shape of a seal. The majority of seals killed in Bering Sea are females. He had killed female seals himself 75 miles from the islands, and they were full of milk.

To the same effect as to the large proportion of females nursing their young, see James Kennedy, (*ibid.*, p. 449).

James Kiernan, who had been engaged in sealing since 1843:

My experience, [he says,] has been that the sex of the seals usually killed by hunters employed on vessels under my command, both in the

North Pacific Ocean and Bering Sea, were cows. I should say not less than 80 per cent of those caught each year were of that sex. I have observed that those killed in the North Pacific were mostly females carrying their young, and were generally caught while asleep on the water, while those taken in the Bering Sea were nearly all mother seals in milk, that had left their young and were in search of food. My experience convinces me that a large percentage of the seals now killed by shooting with rifles and shotguns are lost. My estimate would be that two out of every three killed are lost.

See the testimony of Francis R. King-Hall, the journalist.

Edward Nighl Lawson, a resident of St. Pauls, Kadiak Island, Alaska (*ibid.*, p. 221), killed females in milk in Unimak Pass, and even out in the Pacific Ocean 200 miles from land. They can not distinguish between the sex of fur-seals in the water; on the contrary, everything in sight is taken, if possible, except large bulls, whose skins are useless. He recommends, in order to prevent the extermination of the fur-seal species, that a close season in the North Pacific Ocean and in Bering Sea should be established and enforced from April 1 to November 1 in each year.

Abial P. Loud (*ibid.*, p. 37), a resident of Hampden, Me., special assistant treasury agent for the seal islands in 1885, 1886, 1888, and 1889.

William McIsaacs (*ibid.*, p. 450).

Capt. James E. Lennan (*ibid.*, p. 369), master mariner of eight years' experience.

William McLaughlin (*ibid.*, p. 451), boat-puller on board the *Triumph*.

Robert H. McManus (*ibid.*, p. 335), a journalist, whose qualifications have been spoken of heretofore, gives, on pp. 337 and 338, extracts from his diary. This deposition should be read in whole.

Patrick Maroney (*ibid.*, p. 464), of San Francisco, a seaman.

Henry Mason (*ibid.*, p. 465), of Victoria, British Columbia.

Moses (*ibid.*, p. 309), a native Nitnat Indian, gives his experience in 1887 on the schooner *Ada*. They sealed around Unalaska, but did not go to the Pribilof Islands. They caught 1,900 seals. Most all of them were cows in milk, but when they first entered the sea they killed a few cows that had pups in them. The next year they secured only 800, and the year following eight or nine hundred. The seals caught were mostly cows with milk.

John O'Brien (*ibid.*, p. 470), of San Francisco, a longshoreman, made a sealing voyage to the North Pacific and Bering Sea on the Schooner *Alexander*, which sailed from Victoria in January, 1885. He was a boat puller. They headed north into the Bering Sea which they entered at

the latter end of May. Up to that time they had caught 250 or 300 seals of which 80 per cent were females. After they entered the Bering Sea they caught about 700 seals, most all of them being females in milk. He also shows that there is a very considerable waste of life from killing or wounding and losing animals.

John Olsen, (*ibid.*, p. 471) of Seattle, Wash., a ship-carpenter, entered the Bering Sea about the 5th of June, 1891, on board the *Labrador*, Capt. Whiteleigh, commander. They were ordered out of the sea on the 9th of June. In going up the coast to Unimak Pass they caught about 400 seals, mostly females with young, and put their skins on board the *Danube*, an English steamboat at Allatack Bay, and after they got into the Bering Sea caught about 220. After entering the sea they got one female with a very large pup, which he took out alive and which he kept for three or four days when it died as it would not eat anything. All the others had given birth to their young and their breasts were full of milk. He also states how large a loss is made by failure to recover the animals that are killed.

Osly (*ibid.*, p. 391), a native Makah Indian, went to the Bering Sea in 1886 on board the *Favorite*, McLean, master. They captured about 4,700 seals, almost all of which were cows giving milk. Four years before that he had gone to Bering Sea as a hunter in the sealing schooner *Challenger*, Williams, master. There were 3 white men in each boat and 2 Indians in a canoe. We caught about 3,000 seals, most of which were cows in milk.

William Short (*ibid.*, p. 348), of Victoria, British Columbia, is by occupation a painter. On January 14, 1890, he sailed as a boat-puller from Victoria on the British sealing schooner *Maggie Mac*; Dodd, master. She carried six sealing boats that were manned by three white men each, who used breech-loading shotguns and rifles. On the 12th of July they entered the sea through the Unimak Pass. Before this they had captured 1,120 seals on the coast. They lowered their boats on the 13th and captured about 2,093 seals in those waters and then returned to Victoria on the 19th of September. In July, 1891, he sailed out of the port of Victoria as a hunter on the British sealing schooner *Otto*, O'Reily, master. Failing to procure the Indian crew of sealers that they had expected, they returned to Victoria, after proceeding up the coast, on the 1st of August. While cruising along the coast their principal catch was females with pups. Fully 90 per cent of all seals secured by them while in the Bering Sea were cows with milk; that is to say, out of 2,093 all but about 300 were nursing mothers.

Profitable as the business appears to have been to Mr. Short, he is candid enough to say that in his opinion—

It is a shame to kill the female seal before she has given birth to her young. Pelagic sealing in the North Pacific Ocean before the middle of June is very destructive and wasteful and should be stopped. * * * Sealing in the sea should be prohibited until such a time as the pup may have grown to the age at which it may be able to live without nurse from its mother.

James Sloan (*ibid.*, p. 477), of San Francisco, by occupation a seaman, made three voyages to Bering Sea, in 1871, in 1884, and in 1889. A great many of the females that they killed had their breasts full of milk, which would run out on the deck when they skinned them. In 1889 they went to the Okhotsk Sea and sealed there about two months. They got about 500 seals, of which more than one-half were females, and the most of them had pups in them. They entered Bering Sea about the 17th of May and caught about 900 seals. Most of them were mother seals.

Mr. Sloan predicts an early extermination of the seals unless the destructive processes are stopped. As he says, the hunters kill them indiscriminately and all the hunters care about is to get a skin.

See, also, the testimony of Fred Smith (*ibid.*, p. 349), of Victoria, a seal hunter.

Of Joshua Stickland (*ibid.*, p. 349), also of Victoria, a seal hunter who declares that out of 111 seals killed by him in the last year he killed but three bulls.

John A. Swain (*ibid.*, p. 350), of Victoria, a seaman, gives his experience in 1891. He was on board the steamer *Thistle*, Nicherson master. They caught about 100 seals. They were all females that had given birth to their young. In 1892 they caught 270, most of them pregnant females which were caught along the coast.

Theodore T. Williams (*ibid.*, p. 491), an intelligent gentleman, by profession a journalist, employed as city editor on the San Francisco Examiner, makes a very interesting deposition. In pursuit of his profession he had not only had occasion to make extended inquiries into the fur-sealing industry of the Aleutian Islands and the North Pacific, but had gone to the North and had made a complete and exhaustive examination of the open-sea sealing, its extent, probable injury, etc. The perusal of the whole of this very interesting document is recommended. As the result of his investigation in the Bering Sea and North Pacific he asserts the following facts:

First. That 95 per cent of all the seals killed in the Bering Sea are females.

Second. That for every three sleeping seals killed or wounded in the water only one is recovered.

Third. For every six traveling seals killed or wounded in the water only one is recovered.

Fourth. That 95 per cent at least of all the female seals killed are either in pup or have left their newly-born pup on the islands, while they have gone out into the sea in search of food.

The result is the same in either case. If the mother is killed the pup on shore will linger for a few days, some say as long as two or three weeks, but will inevitably die before winter. All of the schooners prefer to hunt around the banks where the female seals are feeding, to attempt to intercept the male seal on their way to and from the hauling grounds.

This overwhelming and practically uncontradicted evidence certainly justifies the statement of the British Commissioners as to the "remarkable agreement" upon the subject. How the facts could be disputed without impeaching witnesses taken from every class of society where knowledge could be found, it is impossible for us to conjecture. Officers from the Navy of the United States; British sea captains as well as American seamen, journalists, natives, all concur as to the fearful destruction which is going on. It is not possible to read the testimony, even making far more allowance for exaggeration than the nature of the case will justify, without reaching the conclusion that pelagic sealing must be stopped or all hope of preserving the herd abandoned. Palliation, compromise, and mitigating processes are out of the question. The outrage must be cut at the root and its continuance made impossible. Females that are pregnant eleven months of the year, and nursing mothers three or four months, must be left undisturbed, and if, as all agree, it is impossible to discriminate in pelagic sealing between the mothers and the males, then the other alternative is inexorably before us, and that is absolute interdiction.

(g) The principal fact that a decrease, alarming and continuous, has been noted, is by the proofs and admissions made evident. It required no proofs, as it is conceded by the Commissioners on both sides to exist, and it is for the purpose of remedying the evil that this Arbitration has been entered into. It is claimed on the part of the United States that the diminution which threatens extermination is *wholly* due to *pelagic sealing*, a practice which does not permit the hunter to spare the gravid or nursing females; while at the same time, and coöoperating with this principal source of undue destruction, the methods used by the hunters frequently result in the death and simultaneous loss of the animal. It need hardly be said, that *prima facie*, to such a system

must be attributable the undue destruction which it is desired to prevent. Those who undertake the defense of such methods and of such a system can not complain if the burden of proof is placed upon them of justifying a course which has received the condemnation of mankind. It is difficult to perceive any good reason why the ordinary and usual rules that have always been followed as essential to the preservation of a species should be dispensed with in the case of the fur-seals. It matters little whether it is an absurdity or scientifically correct to designate them as essentially or naturally or wholly pelagic. Important controversies between enlightened nations will not turn upon nice questions of scientific nomenclature. The animal whose existence is at stake is useful to man, and it is therefore the interest and policy, as it will be to the honor of both nations, to preserve it. The time has long since gone by when the selfishness of nations may have been the controlling factor in such debates. But were it otherwise, Great Britain will suffer as seriously as the United States from the extermination of a herd of seals which the United States alone can preserve, which the United States alone can foster, guard, and protect, because it happens that the vital functions of procreation and delivery are performed on its soil. The United States may and will discharge this duty, to its own people and to the world, provided its efforts are not baffled and its beneficent action neutralized by the indiscriminate slaughter of which it complains.

That the Government of the United States has power, both in law and in fact, within the limits of its own jurisdiction no one disputes, but the suggestion is made that the methods adopted on the islands which constitute the only land resort of the seals are imperfect in practice while perfect in theory. Certain objections are made to show that while care is taken to preserve the female from destruction, so many young males have been slaughtered that the necessary vitality is lacking in the service of the females. Thus it is claimed that the two sources combine to endanger the permanency of the seal family, admitted and undue destruction at sea and unwise or excessive killing on the islands. Conceding for the sake of argument, and only for the argument, that this is true, it must be apparent that the necessity of preventing pelagic sealing is only the more pressing, in the interest of the industry which it is desired to conserve. The methods of the United States may be faulty, but it should not be forgotten that the Government is especially interested in maintaining an industry

which belongs to itself. The faults imputed are, after all is said, faults of detail and execution, which do not in any manner affect the principle adopted. They are susceptible of remedy, and it is idle and absurd to suppose that a valuable commerce, susceptible of expansion by judicious methods, will be wantonly suffered to go to ruin. Self-interest, if no higher motive, may be trusted to improve the means now in use, in so far as they may require improvement; experience will constantly throw its light upon the best means of performing the duty, while the apprehension of loss will stimulate the efforts of those most nearly concerned in the financial success of the business now carried on at the Islands.

But it is not, in fact, admitted that any such objections exist. The number of males killed did turn out to be excessive and was therefore reduced. This, however, only became manifest after the ruthless destruction at sea had begun to be felt on the Islands. That destruction is only limited by the capacity of the destroyers. They profess no scruples and they show no mercy. Their "legitimate business" requires courage and skill, it is said, but it is incompatible with the ordinary feelings of humanity. Present gain is the only object in view. The poachers' horizon is limited by the season's catch. Is it not an insult to common sense to deny that the pursuit of pregnant females and the slaughter of nursing mothers on their feeding grounds are wholly, absolutely, brutally inconsistent with any system that requires moderation, self-denial and humanity? Leaving out all other questions as irrelevant, is it not enough for the United States to say, "We can preserve for the benefit of the world the animal which your poachers are destroying; you can only do it by a prohibition of methods which you would not for an instant tolerate in analogous cases within your jurisdiction. Of what avail are small criticisms upon our system of protection when we are so largely concerned in carrying them to the point of the highest perfection?"

When suggestions are asked as to *any other way* of repressing or circumscribing this destructive slaughter, the British Commissioners propose as a remedy that Bering Sea be closed when sealing is unprofitable, and opened during the season when the horrors and the profits of the business both reach their climax. The language of the Counter Case of the United States, commenting upon this extraordinary suggestion, is couched in singularly moderate terms:

The recommendation by the Commissioners of a series of regulations such as those above considered, is clearly indicative of the bias and partisan spirit which appear in nearly every section of their Report (p. 128).

This subject is treated at length in the Counter Case (p. 125) and also in another part of this argument (*ante*. pp. 190-214); it need not be dwelt upon here.

In conclusion it is submitted, as the facts show that pelagic sealing by its very nature leads to and necessarily depends for success upon indiscriminate slaughter, that the females killed are, with rare exceptions, either gravid or nursing mothers and form a large proportion of the pelagic catch; that the slaughter of a breeding female of necessity involves the destruction of the nursing pup at home as well as of the unborn fetus, thus destroying three animals at one blow; that the only practical and intelligent method of preserving the race is to stop pelagic sealing, leaving the United States to continue and to improve, if possible, those measures best calculated to secure an end which it is to the interest of both parties to reach. In other words, the experience of men has taught that the preservation of the breeding female was and is the only means of preserving and perpetuating the race. Until it has been shown that the animal does not share the conditions of other animals born and suckled on land, the usual means of preserving them must be adopted.

Unless these propositions are conceded, the hope of preserving the fur-seals of the Pribilof Islands must be abandoned. Present greed is not controlled by possibilities of remote loss. The South Sea seals and their fate have taught the world a lesson which the United States are seeking to improve in the common interest of mankind. They will succeed if this High Tribunal by its decision shall prevent practices repugnant to the growing humanity of the age.

The foregoing statement of facts has been prepared in part with the aid of a collated edition of the testimony presented with the Case of the United States, and which is herewith submitted to the Tribunal of Arbitration as an Appendix to the printed argument of counsel.

F. R. COUDEERT.

SEVENTH.

POINTS IN REPLY TO THE BRITISH COUNTER CASE.

Since the preparation of the Argument on the part of the United States, on the facts as so far appearing, the British Counter Case has been delivered. It contains a large quantity of matter concerning the nature and habits of the fur-seals, the methods and characteristics of pelagic sealing, and the methods of dealing with the seals at the breeding places, which matter, so far as it is relevant at all, is relevant to the question of the alleged property interest and rights of defense of the United States, and to the regulations which may be necessary in order to prevent the extermination of the animal.

This matter is accompanied with a protest (page 3), that, so far as matter relevant only to the question of regulations is concerned, its introduction before the Arbitrators is at present improper, and that it has been incorporated into the Counter-Case without prejudice to the contention on the part of Great Britain; that the Arbitrators can not consider the question of regulations until they have adjudicated upon the five questions enumerated in Article VI of the treaty.

The counsel for the United States conceive that there is no ground upon which such an interpretation of the treaty can be supported. That interpretation assumes that there are to be two separate and distinct hearings and two separate and distinct submissions of proofs. There is absolutely nothing in the treaty to warrant such a view. and the distinct provision respecting the Cases and Counter Cases, their contents, the times when they are to be submitted, the preparation of the arguments, the times when they are to be submitted, when the hearing is to begin, and when the matter is finally to be decided, all point to the conclusion that there is to be but one hearing, one submission of evidence, one argument, and one determination.

It is indeed contemplated by the treaty that in a certain contingency it may not be necessary for the Tribunal to consider the question of concurrent regulations. This, however, simply involves a condition exceedingly common in judicial controversies, that several questions

may be made the subject of trial at the same time, and yet the nature of the decision be such as to dispense with the necessity of determining all of them.

Assuming that the interpretation of the treaty insisted upon by the counsel of the United States is the correct one, the procedure adopted on the part of the British Government is wholly irregular and unauthorized, and the matter thus irregularly sought to be introduced before the Tribunal should be excluded from its view. Otherwise the Government of the United States would be placed under a disadvantage to which it should certainly not be subjected.

In the first place, all the testimony and proofs, which bear alone upon the question of regulations, would come before the Tribunal without any opportunity on the part of the United States for making an answer to it. No such possibility is contemplated by the treaty, nor should it be allowed. No proceeding is entitled to the name of a judicial one which allows one party to introduce proofs without giving to the other an opportunity to meet and contradict them.

There is another disadvantage scarcely less onerous: The government of Great Britain in thus waiting until the proofs of the United States had been offered secured to itself the very great and unjust advantage of obtaining a knowledge of its adversary's Case before committing itself to its own view. It was thus enabled to withhold evidence which it would otherwise have introduced, and to give evidence which it would otherwise have withheld. Such advantages at once destroy that equality between contesting parties which is a prime requisite of every judicial proceeding.

But matter bearing upon the question of property was, even in the view of the Government of Great Britain, relevant in the original Case, and any evidence or proofs which the Government of Great Britain desired to submit upon that point ought to have been embraced in their original Case. Manifestly, everything relating to the nature and habits of the seals is of this character. It is upon these that the question of property depends. All matter of this description, except such as plainly tends to impeach and was designed to impeach the evidence offered by the United States, should have been exhibited in the original Case, and should not be allowed to be introduced under cover of the Counter Case. Surely it can not be the privilege of Her Majesty's Government to so introduce its proofs as to deprive the United States of all opportunity either to answer or impeach them.

And the same circumstance which deprives the United States of its just right of answering by counteracting proofs the new matter contained in this Counter Case also deprives them of the ability to fully treat of such matter in argument. Entirely occupied as they are, and must necessarily be, in the final work of translating and carrying through the press the argument already prepared by them upon the original Cases, they have no time at their disposal in the short period between the delivery of the Counter Case and the time appointed for the submission of the arguments within which to carefully review and comment upon this new matter.

Even the evidence in respect of the claim for damages made by Great Britain is chiefly comprehended in the Counter Case, so that the United States Government has no opportunity to introduce counter proof, nor even to analyze in written argument the evidence so submitted.

The United States Government therefore protests against the consideration by the Arbitrators of any evidence or proofs which in their judgment should, under the true interpretation of the treaty, have been embraced in the original Case of Her Majesty's Government.

The only qualification of the unusual advantage which Her Majesty's Government would gain from the permission to lay before the Arbitrators allegations and proofs which the United States have had no opportunity to answer, comes from the circumstance that most of the new matter referred to is of so little materiality or of such small probative force, that the privilege of answering is of less importance than it would otherwise be. There is a failure everywhere in this last document, as there was in the principal Case of Great Britain (including as part of it the separate report of the British Commissioners), either squarely to assert any proposition vital to the merits of the controversy, or to attempt directly to maintain it by evidence or argument.

There are, aside from the matters relating to sovereignty and jurisdiction, several material questions in this controversy, substantially stated in the Case of the United States.

First. Do the Alaskan fur-seals, under the necessary physical conditions of their life, habitually so return to the Pribilof Islands and so submit themselves there to the control of the proprietors of those places as to enable the latter to make them the subjects of an important economical husbandry in substantially the same way and with the same benefits as in the case of domestic animals?

Second. Has the Government of the United States, the occupant

and proprietor of those islands, availed itself of this opportunity, and by wit, industry and self denial made these animals the subjects of such husbandry, and thereby furnished to commerce and the world the benefits of the product, at the same time preserving the stock!

Third. Do not these facts, under the circumstances proved, give to the United States Government, upon the just principles applicable to the case, and in accordance with the general usage of nations in similar instances, such a right of property in the seal herd and the husbandry thus based upon it as entitles that Government to protect it from destruction, at the times and in the manner complained of?

Fourth. Even if it were possible to conceive that this right of property, unquestioned so long as the seal herd remains within the territorial waters of the United States, is suspended as to each and any individual seal as soon and so long as it can be found outside the territorial line, however temporarily, and with whatever intention of returning, are individuals of another nation then entitled to destroy such animals for the sake of private gain, if it is made clearly to appear that such destruction is fatal or even largely injurious to the important material interest of the United States Government so established and maintained upon its territory, for the benefit of itself, its people, and mankind? More especially if the manner of such destruction is in itself so barbarous and inhuman that it is prohibited in all places where civilized municipal law prevails? Is such conduct a part of the just freedom of the sea?

Fifth. Is any practicable husbandry possible in pelagic sealing, or is not that pursuit essentially and necessarily destructive to that interest, and certain, if engaged in to any considerable extent, to result in the loss, commercially speaking, of the animal to the world?

Who will say that Her Majesty's Government, in its principal Case, or in its Counter Case, takes a square attitude upon either of these questions? Who will say that it squarely negatives either of the two first or affirms the last of these questions, as matters of fact, or meets with any satisfactory answer, either upon principle or authority, the propositions of the other two?

What, then, is the character of this Counter Case, so far as respects the matter referred to? It seems to consist in great part of desultory observations, suggestions, and conjectures, probable or improbable, upon immaterial points; or, where the points are material, the matter is vague and indefinite, and the proofs slight, often inconsistent, and

everywhere unsatisfactory. Observations made in one place are qualified in another, contradicted in another, and perhaps reasserted in another. To follow such a line of discussion with minute criticism would be an endless task, and when it was concluded it would be found to be nearly useless. The best method of dealing with such a sort of contention will be to briefly state the *points* to which it seems to be directed, and to offer such observations upon these and the matters relating to them as seem most pertinent.

First. Considerable importance seems to be assigned to the point whether seals are more aquatic than terrestrial in their nature, and surprise is expressed that they should be viewed, in the case of the United States, as being very largely land animals.

But whether they are principally aquatic or terrestrial is of little importance. It is certain that they are amphibious, and that they live sometimes upon the land and sometimes in the sea. The only important question is whether they have those qualities, which, under the principles upon which the law of property rests, make them property, or render it expedient that an industry established by the United States in respect to them should be protected by a prohibition of slaughter upon the high seas.

Second. Much stress is also laid upon the question whether coition may be had in the water. Of what consequence is this? We know it is a fact that it is had principally, if not exclusively, on the land, to an extent which in its circumstances forms the most prominent distinctive and controlling feature in the habits and movements of the fur-seal. The births certainly take place upon the land, and it is there that the young are nourished and brought up.

Third. A good deal in the way of conjecture is stated and sought to be supported, to the effect that the seals may have had, in times of which we know nothing, other breeding places, of which we know nothing; and may again be driven to other haunts. It is not perceived that these conjectures are in any manner relevant. They are purely conjectures, and were they determined one way or another, it would not matter. What we are dealing with is an animal which has had uniform habits ever since anything has been known about it; and the only reasonable conjecture which we can make is, if it were of importance to make any, that it will continue to have, in the future, the same habits, as under the same circumstances it has had in the past.

Fourth. In the report of the British Commissioners, submitted with

the original Case, it was in substance admitted that the Alaskan herd was entirely separate and distinct from the herd on the opposite side of the Pacific Ocean. A good deal of matter is set forth in the Counter Case tending to support the opposite notion, that the members of these different herds commingle.

It is enough to say in answer to all this, that the utmost which is asserted is *mere* conjecture, and as such should be dismissed as wholly unworthy of consideration. Surely this Tribunal will find other grounds than conjecture upon which to base its decision. And besides, the absence of any commingling between the herds worthy of consideration is fully proved by the evidence.

It is suggested in the Counter Case that the distinctive features which the Alaskan herd exhibits are probably those only which are due to a long residence under peculiar geographical conditions. Let this be conceded. How otherwise could they be denied? Upon the speculative question whether these different herds of seal are of different species or not, or whether they were once derived from a common stock, we are at liberty to amuse ourselves with such conjectures as may please us. It is of no importance how the Alaskan herd acquires its distinctive physical peculiarities, if they have actually been acquired so that they can be distinguished from others, and of this the testimony of the furriers, to go no further, is conclusive.

But what if it were *proved* even that the herds did commingle? It is not perceived that this would be of any material consequence. Would it be for this reason any the less a crime against the law of nature to destroy them? Would it be any the less important that the seals should be regarded generally as property or any the less important that such regulations should be adopted as would prevent their extermination?

Fifth. It is again insisted, as it was in the report of the British Commissioners, that it is not proved that the females go long distances from the breeding places into the sea to seek for food while they are nourishing their young. But in the face of the evidence that the females actually do go into the water universally, that they are destroyed there in large numbers, and that they have in numerous instances been found and killed by pelagic sealers at long distances from the shore with their breasts filled with milk, how can it be suggested, with any expectation of belief, that the fact is not proved? For what purpose *do* the females resort to the water? What is the

object of their distant excursions into Bering sea, where they have been known to be? Is it not reasonable to suppose that nursing mothers require nourishment? And how else are the young supported?

But here, again, suppose it were true that these excursions were not made for the purpose of food. They are yet *made*, and the danger of their being slaughtered by pelagic sealers is as great as if the object of their excursions were food.

Sixth. Much space is devoted in this Counter Case to the subject of the frequent finding of numerous dead pups; and here also conjecture is abundantly resorted to. It is suggested that they may have been killed by disease, or by the rush of other seals over them, or by the waves of the sea, or by their mothers having been killed by being driven to the hauling grounds and thus injured and prevented from finding their way back to their young. But to what purpose is it to suggest that a great variety of things may have happened, of no one of which any proof is given? Doubtless it is true that some of the young die from a variety of causes of which we know nothing, as is the case with all animals. The question is, whether the slaughter of their mothers by pelagic sealing is not a cause, and the principal cause of this mortality. When we know that the mothers do habitually resort to the sea, where they are killed in great numbers, when we know that they have often been killed at long distances from the shore with their breasts distended with milk, when we know that suckling is the natural and only mode of nourishment to the young, and when we know that a number of the pups dead upon the islands are extremely emaciated, and exhibit all the appearances of having died in consequence of the loss of nourishment, the conclusion seems plain enough that their mothers have been killed at sea and they starved in consequence and no amount of conjecture can displace it.

Seventh. It is said by way of argument against the allegation of a property interest that the seals, although they return to the same general breeding place, do not always return to the same *island* or to the *same place* upon the same island. This may or may not be true; but of what importance is it, when it appears that all the islands ever have been, now are, and are likely to continue to be the property of one proprietor, the United States Government? And if it were otherwise, if there were many different proprietors of the different islands and of different places on the same islands, of what consequence would it be

upon the general questions of property interest or what regulations were necessary in order to preserve the herd?

All the points above enumerated, made by the British Counter Case, are, it is conceived, essentially immaterial. They might be decided the one way or the other without touching the merits of the real question of the controversy. In saying this, however, we by no means intend to intimate that anything is contained in this Counter Case, by way of evidence, which in any way modifies or weakens the proofs which the United States have in their principal Case adduced to support the positions taken by them.

There are, however, some points which the Counter Case deals with which are of greater importance; but in respect to these, although the points themselves are material, the new evidence which is brought forward or the new views which are suggested are not perceived to be material. Some brief observations should be bestowed upon them.

First. Pelagic sealing is again defended, but how is it defended? Is it denied that it is in its nature destructive as involving the killing of females to a much greater extent than males? Is it denied that the greater part of these females are either pregnant or nursing, and sometimes both? Is it denied that a great many victims are killed and wounded which are never recovered? Is it denied that many young perish on account of the death of the mothers? There is no denial upon either of these points. What then is asserted or suggested in the Counter-Case? Simply that the statements upon this subject are exaggerated.

It would enable counsel for the United States to better answer any position taken on the part of the Government of Great Britain upon these points if the counsel for the latter would commit themselves to some definite proposition or assertion, but this is carefully avoided by them. They say, indeed, that the statements upon this head are exaggerated; but *whose* statements are exaggerated? And *how much* are they exaggerated? The evidence given in the Case of the United States in great abundance shows that from 75 to 90 per cent of the entire pelagic catch is composed of females. If it be this which it is insisted on the part of Great Britain is an exaggerated statement, then how much is it exaggerated? Is it exaggerated 5, or 10, or 20, or 40, or 50 per cent? What, according to the best information obtainable by the counsel for Great Britain, is the most reasonable statement of the proportion of females in the pelagic catch? They give us no infor-

mation upon these points. They offer no estimate; and if we recur to the proofs contained in the depositions which are given, we are still worse off. These vary from 5 to 80 per cent. Most of them, those that place the amount at less than half, every one can see must be false. For what purposes are such proofs presented? Is it expected that they will be believed to be true? It will perhaps be suggested that the truth may be found by taking an average of these inconsistent statements. Such a course has been pursued on the part of the Government of Great Britain upon the point of how many seals are killed or wounded that are never recovered; but the method of endeavoring to obtain the truth by taking an average of lies seems to be open to question.

Upon this whole matter the counsel for the United States will content themselves by offering the following summary of considerations:

I. The assertion in the Case of the United States is, that the proportion of females in the pelagic catch is at least 75 per cent. The reasonableness of this is supported in multiform ways.

(1) It is nowhere *denied* in the report of the Commissioners on the part of Great Britain, nor even in the British Counter Case.

(2) Upon any fair construction of the answer of one party to the allegation of another, it must be taken as *admitted*. The admission is reluctantly made in the British Commissioners' Report and in the British Counter Case also that a "considerable proportion" of the pelagic catch consists of females. What does a "considerable proportion" mean? Five per cent., or 10 per cent., or 20, or 50, or 75, or 80? The language is sufficiently broad and indefinite to cover either of the proportions named, and, as the assertion made on the part of the United States is not denied, the admission in question must be taken to be an admission of the fact *substantially* as asserted on the part of the United States.

(3) The proofs adduced by the United States from persons engaged in pelagic sealing or with definite knowledge of it, overwhelmingly support the assertion.

(4) The proofs contained in the British Counter Case also support it. They are the statements of the pelagic sealers themselves, a class of witnesses in the highest degree interested and not very much to be depended upon. They must be taken most strongly against the parties making them. And excluding those that are manifestly false, we find enough remaining to fully support the con-

tention of the United States. Among these witnesses there are a large number who place the proportion of females in the catches made by them, respectively, higher than 60 per cent.

(5) But the proof furnished by the furriers is absolutely decisive, and this makes the proportion fully equal to the assertion by the United States.

(6) If we look at the probabilities of the case, no assertion in opposition to the contention of the United States could be entertained for a moment. When we consider that the female at sea is, as a general rule, more easily approached, and therefore more easily secured, than the male, and that the number of breeding females is, as compared with the breeding males probably twenty to one, how is it possible that the slaughter of the females should not embrace anywhere from three-fourths to four-fifths of the entire catch? If indeed, we could credit the assertion continually put forward in the report of the British Commissioners and in the British Counter Case, that there has been for years on the Pribilof Islands an excessive slaughter of young males, and that thus the number of breeding males has been very much reduced, so as to make the harems three and four times as large as they formerly were, the excess of females over males would be vastly multiplied, and the wonder would almost be how any breeding male should ever be killed.

II. Considerable attention is given to an attempt to controvert the position of the United States, that a large number of seals struck by pelagic sealers are lost without being recovered. Of course the United States have had no opportunity to controvert the proofs presented upon this point in the British Counter Case. They contain no evidence except that of pelagic sealers, and this must be taken most strongly against them. Upon this point the reasonable and probable inferences from incontestible facts are of greater weight than the loose and suspicious statements of the witnesses referred to. We know that when a seal is killed he sinks at once, because his specific gravity is greater than that of the water, although he may sink more quickly in some instances than others. We also know that when a seal is wounded, but not killed, he has great capacity to escape the pursuer. We know that skill in shooting and skill in recovery must vary very much among different men. Under these circumstances, it is not reasonable to believe that half the seals fatally wounded are secured.

III. Further attention is given to alleged mismanagement of the seal herd upon the Pribilof Islands. Little or nothing new in the way of evidence is offered upon the subject, but the assertions contained in the British Commissioners' report are repeated and enlarged. The points on which particulars of this alleged mismanagement are stated are: (1) the excessive killing of young males; (2) injuries committed by what is called "overdriving"; (3) raids upon the islands.

(1) Concerning the excessive slaughter of the young males, there is no trustworthy evidence than an annual draft of 100,000 was, before any injury effected by pelagic sealing, excessive. It is undoubtedly true that such a draft upon the islands, coupled with any considerable amount of captures at sea, would be excessive, and consequently we find that after pelagic sealing had reached considerable proportions it became increasingly difficult to make the annual draft of the 100,000 upon the islands, which difficulty increased to such an extent that in 1890 it was arrested by the action of the agent of the United States Government. If at that time, or prior to that time, the extent of pelagic sealing had been known and its effects upon the herd ascertainable, action would have sooner taken place to restrict the killing upon the islands. In this suggestion the damages occasioned by pelagic sealing are insisted on as its defense.

(2) In respect to over-driving, no proofs are submitted which furnishes any considerable support to the assertion. It is undoubtedly true that from the very nature of the case there may be more or less seals included in the drives unfit, by reason of being females or otherwise, for slaughter. These are allowed to drop out to regain the herd. The business of driving may be, if negligently conducted, trying and injurious to the subjects of it, but it is not necessarily so in any considerable degree. There is no proof worthy of attention that it is so negligent. The interest of those engaged in it is largely the other way. And the evidence that it is well conducted is ample.

(3) Upon the Islands it is to be said that undoubtedly there have been in the past, and may be in the future, attempts, sometimes successful on the part of marauders, to take seals by night. But of what consequence is this to the argument? Does it show anything more than that there ought to be kept an adequate guard? And certainly we know that it is in the interest of the proprietors

to keep one. What self-interest will not move men to do, they will not do from any other motive! But whence do these raids come? From the very sealing vessels engaged in pelagic sealing. That is one of the mischiefs of that pursuit.

(4) Touching the allegations of mismanagement upon the islands, embracing the three forms of possible injury to the seals which have been mentioned, there is this to be said: they may possibly occur in consequence of carelessness or neglect; but every motive and every interest stimulates the United States as well as their lessees, to make the evils as small as possible.

And concerning the extent to which these evils exist, the conclusion must be formed upon the statements of actual witnesses, and not upon lectures or articles in newspapers based by the writers we do not know upon what evidence or whether upon any evidence at all.

(5) But what is the point supposed to be established or supported by this matter concerning mismanagement upon the islands? What is the object for which it was introduced? What conclusion would it justify if the assertions were proved to their fullest extent? Do they show that pelagic sealing is any less mischievous? Do they show that in that form of sealing males are taken and not females? Do they show that in that form of sealing a great many are not wounded and crippled that are never recovered? Do they show that in administering a herd of such animals on the land females should be slaughtered and not males? Do they show, or are they intended to show, that the United States has not adopted methods grounded upon the right principles? Do they show or are they intended to show, that a different set of proprietors than the United States would attend to the business in a better and more economical manner and with better methods? If so, what sort of proprietors should they be? What scheme of administration should be followed? How should the selections for slaughter be made? Answers to these questions would be extremely pertinent, but none seem to have been suggested.

(6) The report of the British Commissioners more than intimated, although quite inconsistently with admissions made by them, that the capture of seals upon the land was an error, and that the ideal mode of dealing with this animal was to confine the pursuit to the sea. The Counter Case on the part of Great Britain does not avow

this proposition. Is it the intention on the part of the Government of Great Britain to support that view? If so, some intimation to that effect would have been extremely pertinent in this Counter Case.

And when that view comes to be supported, if at all, it is to be hoped that those who advocate it will take into consideration and give satisfactory explanations upon the following points:

(a) What man of science, familiar with the races of animals and the causes which tend to their destruction or their preservation, entertains a like view? What man acquainted with the business of practical husbandry and dealing for profit with a race of animals polygamous in its nature, thinks it wise to slaughter males and females indiscriminately for the market, or rather, to make their selections for slaughter consist in the proportion of 75 per cent of females.

(b) Is it likely that any better provision for the preservation of the race of fur-seals can be suggested than that which assigns the rewards of preservation to those who alone have the ability and the disposition to exercise the best methods of preservation? Is the method which has preserved in undiminished numbers for one hundred years and upwards the herd of seals resorting to the Commander Islands, a mistake, and is the same method which has been pursued for nearly the same period on the Pribilof Islands, and with the same effect until the ravages made by pelagic sealing were committed, also a mistake? And wherein is there any essential difference between the methods pursued on the two groups of islands?

And, finally, were it even admitted that the United States Government mismanages its own business to the detriment of its own interests, would that destroy its right of property in the business? Or deprive it of the right of self-defense? Or justify a slaughter by the poachers which would otherwise be unjustifiable? Or even render it probable that such mismanagement would not be corrected by experience?

It is worthy of remark, in conclusion, upon the subject of regulations, so largely dealt with in the British Counter Case—

1. That while it is now professed on the part of Great Britain that Her Majesty's Government is willing that just regulations for the preservation of the fur-seal should be adopted, it is solely owing to the refusal

of that government to consent to any such regulations, on account of the objections of Canada, that this controversy has arisen and this arbitration has been rendered necessary. The attitude of Canada on this subject plainly shows that it quite well understands that any regulations adopted for the preservation of the seal which would be at all adequate for that purpose must substantially, if not entirely, put an end to pelagic sealing. The object of the adventurers, which that Province thinks it right to protect, is simply to make what profit is to be derived out of the destruction of the fur-seals in the few years required for its completion.

2. In the British Counter Case, every objection possible to be brought forward to the making or enforcing of any regulations, is insisted on. The real position assumed is that of opposition to any regulations that would be of sufficient value to be worth adopting. Those proposed by the British Commissioners are for the benefit of pelagic sealing and an enhancement of its profits, and its consequent destruction by restricting the unquestioned right of the United States to take the seals on its own territory. In answer to the proved charge that pelagic sealing conduces to the inevitable extermination which it has produced everywhere else, and that the methods employed by the United States Government tend to the preservation of the animal while making its product available to the world, it is gravely proposed by the British Commissioners to adopt regulations which would diminish that use which is consistent with the protection of the seal, and which is not called in question by the treaty, so as to increase the use which is destructive; and to add to the losses already suffered by the United States in its territorial interest, by increasing the profits of those who are engaged in destroying it. It is difficult to deal seriously with such proposals.

E. J. PHELPS.
JAMES O. CARTER.
H. W. BLODGETT.
F. R. COUDERT.



FUR-SEAL ARBITRATION.

APPENDIX

TO

ARGUMENT OF THE UNITED STATES

BEFORE THE

TRIBUNAL OF ARBITRATION

CONVENED AT PARIS;

CONTAINING

THE TESTIMONY SUBMITTED IN VOLUME II OF THE APPENDIX
TO THE CASE OF THE UNITED STATES,

TOGETHER WITH

EXTRACTS FROM THE ARTICLE BY DR. ALLEN, LETTERS
FROM NATURALISTS, OFFICIAL REPORTS, ETC., IN
VOLUME I, AND FROM THE JOINT REPORT OF
THE BERING SEA COMMISSION AND THE
REPORT OF THE UNITED STATES
COMMISSIONERS, ARRANGED
BY SUBJECTS.

WASHINGTON, D. C.:
GOVERNMENT PRINTING OFFICE.

1893.

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THE DEPONENTS, THEIR POSITIONS, OCCUPATIONS, AND EXPERIENCE.

Charles A. Abbey, being duly sworn, deposes and says: I am 51 years of age, and am captain in the Revenue Marine of the United States, and have been in the *C. A. Abbey*, p. 185. service for nearly twenty-eight years. From June, 1886, until the latter part of August, 1886, I was in charge of the revenue steamer *Corwin*, cruising in Bering Sea, for the purpose of protecting seal life, the fur-seal industry, and the Government interests in Alaska generally.

Charles Adair, having been duly sworn, deposes and says: I am by occupation a sailor; I reside in Port Townsend. I have made two sealing voyages in the North *Chas. Adair*, p. 400. Pacific and Bering Sea. In 1889 I went on the American schooner *James G. Swan*, and in 1890 in the British schooner *Rosie Olsen*, of which Capt. McLean was master.

George R. Adams, having been duly sworn, deposes and says: I am a citizen of the United States, and a resident of Paso Robles, Cal., where I am employed in general *G. R. Adams*, p. 157. business. I first went to Alaska in the bark *Golden Gate*, Capt. Scammon, June 10, 1865, on the American telegraph expedition, and explored the country about Bering Sea from St. Michaels north, returning in September, 1867. In the spring of 1868 I returned to Alaska soon after its purchase by the United States. I went for the late John Parrott, of San Francisco, direct to the islands of St. Paul and St. George. We were the first parties who went to those islands after the purchase, and commenced taking seals about the 1st of July.

Akatoo, being duly sworn, deposes and says: I was born at Yakutat about thirty years ago; am a hunter by occupation, hunting sea otter and bear. *Akatoo*, p. 237.

J. C. S. Akerly, PH. B., M. D., having been duly sworn, deposes and says: I am a graduate of the University of California, 1882, and a graduate of the Cooper Medical College, 1885. From June to August 18, 1891, I was surgeon of the Revenue Marine steamer *Corwin*. From August 18 to November 24, 1891, I was resident physician on St. Paul Island, one of the Pribilof or seal islands. I am at present a practicing physician at Oakland, Cal. During my stay on the islands I made frequent visits to the different seal rookeries.

Personally appears before me A. B. Alexander, who, being duly sworn, deposes and says: I am 37 years of age, a *A. B. Alexander, p. 352.* citizen of Gloucester, Mass., and have been for six years and still am an employé of the U. S. Fish Commission as a fishery expert, being detailed for service on the Fish Commission steamer *Albatross*. On March 29 I was detailed for temporary service on the United States revenue steamer *Corwin*, and am still so engaged. During my service on the *Corwin* I have cruised as far north as Yakutat Bay. I have visited, with but few exceptions, all the ports and native villages from Dixons Entrance to and including Yakutat Bay. I have personally conversed with the Indians, owners of vessels, seal hunters, both native and white, and others engaged in the sealing business. I have been in canoes and boats, and personally observed the taking of seals by all methods practiced on this coast, and have thus sought to familiarize myself in every way with the aquatic habits of the seal, their habitat, method of capture, and all matters of interest connected with the sealing industry.

John Alexandroff and Feodor Barastoff, being duly sworn, depose and say: We are respectively the priest and *John Alexandroff and Feodor Barastoff, p. 229.* chief of the natives at the settlement known as Soldovoi, on Cooks Inlet, Alaska, and have lived in the immediate vicinity all our lives. We are by occupation hunters of all fur-bearing animals, excepting the fur-seal. We have had no experience in hunting fur-seals, because we are informed that it is unlawful. Our occupation does not take us below the entrance to Cooks Inlet, in a line from Cape Elizabeth on the peninsula to Cape Douglass on the mainland opposite.

Watson C. Allis, having been duly sworn, deposes and says: I am 36 years old, an American citizen, residing in San *W. C. Allis, p. 97.* Francisco, Cal., and by occupation an agent of the Fairbanks Scale Company, engaged in selling and setting up scales. In the summer of 1882, and again from the spring of 1887 to the fall of 1889, I was assistant agent of the Alaska Commercial Company upon St. Paul Island, and worked four sealing seasons in charge of a gang of natives engaged in seal killing.

Nicholas William Andersen, a resident of Afognak, being duly sworn, deposed and said: I have been in Alaska *N. W. Andersen, p. 223.* twenty years; I have been a hunter eighteen years; I have never hunted seals; I have been along the coast from Prince William Sound to Sennak Islands

Andrew Anderson, being duly sworn, deposes and saith: I reside at St. Paul, Kadiak Island, Alaska Territory. I am *Andrew Anderson, p. 217.* a sea-otter hunter by occupation, and am now master of a hunting schooner. While engaged in hunting during the past eighteen years I have killed more or less fur seals.

C. H. Anderson, a citizen of the United States of America, 48 years of age, being duly sworn, deposes and says: I am *C. H. Anderson, p. 205.* a master-mariner by occupation, and reside in San Francisco, Cal. I have been sailing in Alaskan waters since 1880. For seven years I cruised in the Unalaska dis-

trict, which embraces the Shumagin and Sannak Islands, the Aleutian chain, the Pribilofs, Bristol Bay, and the eastern coast of Bering Sea as far as St. Michaels. I have made four or five trips from Unalaska to Attu and return, and eight or nine between Atka and Unalaska, chiefly in spring and fall of the year.

Peter Anderson, being duly sworn, deposes and says: I reside in Victoria, British Columbia; am by occupation a seaman and hunter; I have been engaged in the last three years in taking seal in the North Pacific Ocean and Bering Sea in capacity of boat-steerer. The vessels I was employed on are as follows: *Black Diamond*, *Ariel*, and *Umbrina*, all British schooners.

H. Andricius, being duly sworn, deposes and says: My age is 21 years; occupation, seaman; and live in Victoria, British Columbia. I first sailed in 1891 in the vessel *N. E. Paint*, Bisiit, master, as boat-steerer.

Anna-tlas, chief of the Takou tribe of Indians, being duly sworn, deposes and says: Have always been chief of this tribe. Have never been seal-hunting in my life. *Anna-tlas*, p. 254. Myself and tribe go to the coast as far as Wrangel and trade with the Killisnoo Indians for oil.

Nicoli Apokchee, Peter Abankook, Stephan Langwalic, Iyfym Monin, Denis Malzoff, Wasyryon Ofkew, Pavel Ofkew, and Pavel Ringchook, being duly sworn, depose and say: That we are natives of Alaska, and reside at the settlement known as Fort Alexander, on Cooks Inlet, Alaska Territory. We are, by occupation, hunters of fur-bearing animals, excepting the fur-seal, and have been engaged in this pursuit the greater part of our lives, chiefly in this region.

John Armstrong, having been duly sworn, deposes and says: I am 50 years old, and reside in San Francisco. I was employed in Alaska service in connection with the seal fisheries from 1868 to 1886, inclusive. During the first eight years of the time I was chief engineer of the steamer plying between San Francisco and the seal islands and other Alaska ports, and from 1877 to 1886, inclusive, as agent of the Alaska Commercial Company, living almost constantly for the whole ten years upon St. Paul Island. I always assisted in the seal-killing, and, in common with all other employés on the islands, made the seals my study and care. Everyone connected with the business, from the superintendent to the humblest laborer, is, when at the islands, keenly alive to every occurrence relating to the herd. There is nothing else but seals to attract our attention when there, and the most trivial incidents in regard to the rookeries, as well as the more serious ones, are noted and discussed.

Kerrick Artomanoff, being duly sworn, deposes and says: I am a native Aleut, and reside on St. Paul Island, Pribilof Group, Alaska; I was born at Northeast Point, on St. Paul Island, and am 67 years of age. I have worked on the sealing grounds for the last fifty years, and am

well acquainted with the methods adopted by the Russian and American Governments in taking of fur-seal skins and in protecting and preserving the herds on the island. In 1870, when the Alaska Commercial Company obtained the lease of the islands, I was made chief, and held the position for seventeen years.

It was my duty as chief to take charge of and conduct the drives with my people from the hauling to the killing grounds.

Atenas Koo, being duly sworn, deposes and says: I am an old man. Was born in Yakutat and am a member of the *Atenas-Koo, p. 237.* Yakutat tribe of Indians. I have hunted all my life.

Charles Avery, a resident of St. Paul, Kadiak, Alaska, being duly sworn, deposed and said: I am captain of a sealing schooner; have been six years in Alaska; have been hunting seals three years. *Chas. Avery, p. 218.*

Adam Ayonkee, being duly sworn, deposes and says: I am about 60 years old; born at and reside in Sitka. Am by occupation a hunter. Hunt seal in summer and deer in winter ever since I was a small boy. *Adam Ayonkee, p. 255.*

Q. What is your name, age, residence, and occupation?—A. My name is George Ball; age, 42; residence at present, San Francisco, Cal.; occupation, master and hunter of seals. *Geo. Ball, p. 481.*

Q. Are you a citizen of the United States?—A. I am.

Q. What State are you a resident of?—A. I am a native of Connecticut and a resident of California for the last twenty-seven years.

Q. Have you been engaged in catching seals in the Pacific and Bering Sea, and for how long?—A. I have been engaged in sealing in the Pacific and Bering Sea off and on for a number of years past; constantly during the sealing season for the last few years.

George Bantle, having been duly sworn, deposes and says: My age is 53. I reside in San Francisco. I am a packer and sorter of raw fur skins, and have been engaged in that occupation for the last twenty years. My calling has made me a judge of raw seal skins, as I have handled in the last ten or twelve years from 10,000 to 15,000 annually. I can tell by examining a skin whether it was caught in season, and whether it was caught on the Russian side or on the American side. *Geo. Bantle, p. 508.*

I, Milton Barnes, being duly sworn according to law, depose and say as follows: I am a citizen of the United States, *Milton Barnes, p. 101.* and when at home reside near Columbus, Ohio. Have been temporarily stationed during the last year on the Island of St. Paul, one of the fur-seal or Pribilof Group in Bering Sea, as a special employé of the United States Treasury Department on said island.

Johnny Baronovitch, being duly sworn, deposes and says: I was born at Kasan and have lived here all my life. *Johnny Baronovitch, p. 276.* My business is that of hunting and fishing. Have hunted fur-seal in a canoe in May off the Prince of Wales Island.

C. Francis Bates, being duly sworn, says: I am a member of the firm of Martin Bates, jr., & Co., and am the person described in and who verified an affidavit on the 22d day of June, 1892, relating to the value of the industry of manufacturing seal-skin articles in the United States, and other matters. *C. Francis Bates, p. 508.*

C. Francis Bates, being duly sworn, says: I am 67 years of age, a citizen of the United States, and a resident of the city of New York. Early in this century my father established a wholesale fur business in this city, and to this business I have succeeded. I have been engaged in it for the past fifty years. It is now carried on under the name of Martin Bates, jr., & Co. For many years we have been large purchasers of Alaska (or Pribilof Island) fur-seal skins, having bought in London and brought to this country, between the years 1879 and 1891, 71,904 such skins. I am familiar with the value and extent of the industry of manufacturing articles of fur-seal skins in this country, my house having until very recently been largely interested in it.

Maurice Bates, being duly sworn, deposes and says: I am 40 years old; was born in British Columbia, and now reside in New Metlakahtla. I am a hunter by occupation; have hunted fur-seal in a canoe ever since I was old enough. My hunting lodge is on Dundas Island, and I hunt in Dixons Entrance and off Prince of Wales Island. *Maurice Bates, p. 276.*

Charles J. Behlow, being duly sworn, deposes and says: I reside in the city and county of San Francisco, State of California; I am by occupation a fur merchant, *Chas. J. Behlow, p. 403.* and have been so engaged permanently for the last thirty-five years, during which time I have been constantly handling large quantities of raw fur-seal skins from many different localities, and I can readily distinguish the respective quality, size, age, and sex.

William Bendt, having been duly sworn, deposes and says: I reside in San Francisco. My occupation is that of saloon keeper and lodging-house keeper. I have been engaged in fitting out sealing vessels and sending them to the North Pacific and Bering Sea for eight or nine years. I fitted out the schooners *Fowler, Laura, C. H. White*, and others. I am now the managing owner of the schooner *Bowhead*. *Wm. Bendt, p. 404.*

Wilton C. Bennett, being duly sworn, deposes and says: I was born at Neah Bay. I am 32 years old, and have been a seal hunter all my life in the North Pacific Ocean and one season in Bering Sea, always in the capacity of hunter. *Wilton C. Bennett, p. 356.*

Edward Benson, being duly sworn, deposes and says: I am 34 years old; was born in British Columbia; and now reside at New Metlakahtla. I have been engaged in hunting five years. Have hunted seals in canoes. *Edward Benson, p. 277.*

Martin Benson, being duly sworn, deposes and says: I have been engaged in sealing five years, as master of the *Marlin Benson*, p. 405. *James G. Sicar* and the *Leo* in Bering Sea and North Pacific Ocean.

H. S. Bevington, M. A., being duly sworn, doth depose and say: That he is 40 years of age, and a subject of Her Britannic Majesty, and is the head of the firm of Bevington & Morris, doing business as fur merchants and manufacturers at 28 Canon street, in the city of London. That his said firm was founded in the year 1726, and has been continued in the same family during the whole of these years down to the present time, and has been engaged during the whole of the period since 1726 in the same business, dealing in furs and leather. That deponent has been in the business ever since the year 1873. During the whole of the period since that date his said firm have been in the habit of buying fur-seal skins, and he knows from his general knowledge of the business that prior to that time they were in the habit of buying seal skins ever since they became an article of commerce. That deponent has personally handled many thousands of skins of the fur seal, and by reason of that fact and of his experience in his business has a general knowledge of the history of the fur-seal, skin business, and a general and precise knowledge of the several kinds of skins which now, and for many years last past, have come upon the London market.

John G. Blair, of San Francisco, having been duly sworn, deposes and says: I am 57 years old, and an American citizen, and am now and have been for the past fourteen years, until recently, master of the schooner *Leon*, formerly in the service of Hutchinson, Cole, Philipeus & Co., and now employed by the Russian Seal-skin Company. During all this time I have been constantly engaged in the fur-sealing industry, and am familiar with the habits of these animals both on the land and in the water. I was in charge of and attended to the killing of seals upon Robben Island for the lessees from 1878 to 1885, inclusive, taking from 1,000 to 4,000 seals per annum in each of these years for their skins, and have visited the islands in the *Leon* every year except two since 1885 to the present date. During the two years excepted I was sealing on the Commander Islands.

Bernhardt Bleidner, being duly sworn, deposes and says: I reside at Victoria, British Columbia; am 32 years of age; *Bernhardt Bleidner*, p. 314. my occupation, seaman. In 1887 I shipped on the schooner *Challenge*, Jones, master, as boat puller. * * * In January, 1889, I again shipped from Victoria, British Columbia, in the schooner *Walter Rich*, Stewart, master.

Niels Bonde, being duly sworn, deposes and says: I am 24 years of age; residence, Victoria, British Columbia; occupation, seaman. I went sealing as deck hand in the British schooner *Kate*, Capt. Moss, master, in 1887. * * * In 1888 I left Victoria on the 11th of April as mate and interpreter on the British schooner *Arannah*, H. F. Stewart, master. * * * I left Victoria on the 28th of May, 1889, in the British schooner *Kate* as deck hand. * * * In 1890 I left Victoria

on the 17th of January in the British schooner *Pioneer*, Morgan, master. I shipped as a deck hand.

We, the undersigned, natives, residents of St. Paul Island, who have for a number of years been engaged in the business of sealing on these islands, having been present and heard the testimony of Anton Melovedoff and Noen Mandregin, as above given, do hereby concur substantially in their statements.

Apollon Borudakaffsky et al., p. 140.

APOLLON BORUDAKAFFSKY.
AGGIE KUSHIN.
NICOLI KREUKOFF, *Second Chief.*

Bowa-chup, being duly sworn, deposes and says: I am a native Makah Indian, and reside on the reservation at Neah Bay, State of Washington, United States of America, and am about 40 years of age. I have been engaged in seal hunting ever since I was a boy. Until about ten or twelve years ago, I used to seal along the coast in large canoes from 10 to 18 miles from Cape Flattery and in the Straits of San Juan de Fuca. At first I was a paddler, and afterwards I became a spearman.

Bowa-chup, p. 376.

John Andrew Bradley, being duly sworn, deposes and saith: I reside at Coal Point, on Kachemak Bay, Cook's Inlet, Alaska, and have lived in this immediate vicinity for the past four years. I have traveled extensively along all the Northwest Coast during the past twenty-two years, and am well acquainted with it. I have had no personal practical experience in fur-seal hunting, but at the same time have a fair knowledge of the industry.

Thomas Bradley, having been duly sworn, deposes and says: I reside in San Francisco. My occupation is that of a seaman. In 1884 I shipped on the *Maggie Ross* as a boat puller for a sealing voyage to the North Pacific and Bering Sea.

Thos. Bradley, p. 406.

William Brennan, being first duly sworn, deposes and says: I am 37 years of age; was born in London; am by occupation a seafaring man; and reside at Seattle, in the State of Washington. I have spent the best years of my life in the close study of the denizens of the sea, including seals and the modes of capturing them, such as seafaring men bestow upon matters in which they are interested participants. I first went to sea in November, 1869, and have been connected with shipping matters for twenty-three years. Passing my examination as second mate in London in 1874, I went to Australia, thence to China and Japan, remaining in Japan several years. * * *

I have since followed the sea as sailing captain, pilot, and quartermaster on vessels sailing out of Victoria, British Columbia.

William Brennan, p. 358.

Henry Brown, being duly sworn, deposes and says: I am 42 years of age, and reside in Victoria, British Columbia. I am by occupation a seaman. On or about February 21, 1890, I shipped as an able seaman, but did service as a boat steerer on the sealing schooner *Minnie*, which cleared

from Victoria. * * * On January 19, 1891, I shipped at Victoria as an able seaman, and took the boat steerer's billet on the sealing schooner *Mascot*, Lawrence, master. * * * On February 25, 1892, I shipped at Victoria, British Columbia, on the sealing schooner *May Belle*, Smith, master. I shipped as an able seaman, and did service in the sternboat as boat steerer.

Joseph Stanley Brown, being duly sworn, deposes and says: I am 36 years of age; am a citizen of the United States; reside in Mentor, Ohio; am by profession a geologist, and as such am employed in the U. S. Geological Survey.

In April, 1891, I was ordered by the honorable the Secretary of the Interior, to whose direction the officers of the Geological Survey are subject, to report to the honorable the Secretary of the Treasury personally for special service. This I did, and on the 27th of that month I received from the latter a temporary appointment as special agent.

On May 4 I was given instructions to visit the Pribilof Islands, for the purpose of studying the seal life found thereon, with a view to procuring full and accurate information, not only as to its present general condition, but also more specifically as to any increase or diminution of the seal herd that makes its home upon the islands. I was further instructed, should I find that change had occurred, to inquire carefully into its relative amount and the causes leading thereto. My duties were in no way connected with the administration of the islands, but I was left free to make as exhaustive and comprehensive an examination of seal life on the islands as the time at my disposal would permit.

In accordance with my instructions I proceeded to San Francisco, and on the 27th day of May sailed for Bering Sea on the United States revenue steamer *Rush*. The *Rush* arrived at St. George Island on June 9 and at St. Paul on the following day. I entered immediately upon the work assigned me and continued it interruptedly until September 22, when the *Rush* returned to San Francisco, arriving there on October 2.

Of the one hundred and thirty days devoted to field investigation eighty were given to the two islands and fifty spent at sea in making the voyage to and from San Francisco and in cruising in the vicinity of the Pribilof Islands. This cruising carried me as far north as the island of St. Matthew and of Nunivak, and gave me an opportunity to visit the villages of Akutan, Unalaska, Makushin, Hashaga, and Chernofsky, on the Aleutian chain. Thus by field investigation, by cruising, as well as by seeking information from those qualified by their calling to give it, I sought to familiarize myself with the seal question in all its phases.

In the prosecution of my investigations I deemed it desirable to photograph all the rookeries often from two positions; to make a general topographic survey of both islands on a scale of 1 mile to the inch and to prepare detailed charts of the rookeries upon the unusually large scale of 264 feet to the inch. In carrying out this work I examined the entire shore lines of St. Paul and St. George, and there is not an area of a mile square upon either that I have not traversed nor a square hundred feet upon a rookery that I have not repeatedly inspected. The close attention to topographic forms demanded in platting rookeries with so much minuteness and the care required in selecting the best positions to secure photographs inevitably drew me in close contact with seal life and greatly increased my opportunities to study it. There was hardly

a day in which I did not have a chance to examine the rookeries and observe rookery life in its varied forms. In all my work upon the islands I was constantly attended by native Aleuts, who assisted in transporting my instruments and other impedimenta. Several of these could speak fair English. Our intimate daily relations, which extended over nearly three months, were under conditions that offered neither incentive to secrecy nor to deception, and, while their general views on and theory of seal life are to be received with caution, they are keen observers of little details, and from them, their friends, and old Russian records on the islands I received many valuable hints of a natural history and historical character.

Peter Brown, being duly sworn, deposes and says: I am the native chief of the Makah Indians; am about 55 years old, and reside on the Neah Bay Reservation, in *Peter Brown, p. 377.* the County of Clallam, and State of Washington, United States of America. I am acquainted with the habits of my people and the methods adopted by them in hunting the fur-seal. I am the master and one-third owner of the fishing schooner *James G. Swan*. I have been engaged in hunting seals with spears, more or less, all of my life.

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Thomas Brown, being duly sworn, deposes and says: My age is 31 years; my residence is Victoria, British Columbia; occupation, seaman. I went sealing in 1889 from *Thomas Brown (No. 1), p. 318.* San Francisco, Cal. (I do not remember the name of the vessel), Capt. Scott was master. * * * In 1890 I went sealing again in the schooner *Sea Lion*, Madison, master. * * * I was boat-puller. * * * In 1891, in the month of February, I sailed from Victoria, British Columbia, on the schooner *Thisile*, Nicherson, master. * * * I signed as boat-puller.

Thomas Brown, having been duly sworn, deposes and says: I reside in San Francisco. My occupation is that of a laborer. I made a sealing voyage to the North *Thomas Brown (No. 2), p. 406.* Pacific and Bering Sea on the *Alexander*, of which Capt. McLean was master.

Charles Bryant, being duly sworn, deposes and says: I am a resident of Mattapoisett, Plymouth County, State of Massachusetts, and am 72 years of age. From 1840 to 1858, I was engaged in whaling in the North Pacific Ocean and Bering Sea. The latter portion of the time I was captain of a whaling vessel. I then retired to a farm located in the town of Fairhaven. in *Charles Bryant, p. 3.* Bristol County, State aforesaid. In September, 1868, I was appointed a special Treasury agent to go to the Pribilof Islands to investigate and to report as to the habits of the fur-seal, the condition of the islands, and the most advantageous plan to adopt for the government and management of the same. Pursuant to such appointment I proceeded to the Pacific coast and in March, 1869, I landed on St. Paul Island and remained there until September of the same year. I then returned to Washington and laid my report before the Treasury Department. I again went back to the islands in July, 1870, and remained until the fall of 1871. Then, in April, 1872, I again arrived on St. Paul Island, this time in the capacity of special agent of the Treasury Department in charge of the seal islands. I was upon

the islands as such agent from that time during the sealing seasons from 1872 to 1877, inclusive, and passed three winters there, namely, those of 1872, 1874, and 1876. Since the year 1877 I have never visited the seal islands, and have been in retirement at Mattapoisett aforesaid. During these years I was upon the islands I made a most careful study of seal life thereon, and examined and inquired of the natives in relation to the habits and former conditions of the fur-seals.

Capt. James W. Budington, being duly sworn, deposes and says: I am 53 years of age, a resident of Groton, Conn., and a master mariner. Since 1871 I have made several voyages to the southern hemisphere for the purpose of seal hunting, and am thoroughly acquainted with the islands and coasts about Cape Horn and in the southern Atlantic Ocean where fur-seals have been taken. I also studied, as far as I was able, the habits and conditions of the fur-seal of the southern seas.

Personally appeared before me Ruth Burdukofski, who, being duly sworn, deposes and says: I am 64 years of age, a native Aleut, being born on Bering Island, and do now reside, and have since the age of 17 resided, at Unalaska. In my early life, during the time of the Russian-American Company, I hunted seals in my bidarka in and off the bays of Unalaska Island.

Karp Buterin, being duly sworn, deposes and says: I am 39 years of age, and I was born on St. Paul Island, Alaska, and I have always lived here. I have a practical knowledge of the fur-seal industry as it is done on St. Paul Island, for I have been working at it all of my life since I was able to work. I have driven seals and clubbed and skinned them; I have had charge of the drives and I have been second chief for four years, and I am head chief now, being elected in 1891.

Stephen N. Buynitsky, being duly sworn, deposes and says: I am a Russian by birth and am 60 years of age. I graduated from the Imperial Lyceum at St. Petersburg, an institution for the nobility. Am now a resident of the city of Washington. I was detailed by the United States Treasury Department to take charge of St. George Island, in Bering Sea, during the summer of 1870; I returned to the United States in the fall of that year. The following season I was appointed to take charge of both St. Paul and St. George islands. I arrived at the islands in July, 1871, and remained there till the latter part of April, 1872. During my stay on the islands I made careful examination into the habits and nature of the seal, and also read and studied the records left by the Russian Government in relation to the Pribilof Islands.

Carlos G. Calkins, being duly sworn, deposes and saith: I am a lieutenant in the U. S. Navy, and have made three cruises into Alaskan waters, as follows, viz, in the year 1890, about the Bristol Bay region and the Aleutian Islands as far west as Umnak; in the year 1891, to the Pribilof Islands, in Bering Sea; and in the year 1892, from Kadiak Island to Prince William Sound, going as far into Cooks Inlet as Coal Bay.

Landis Callapa, being duly sworn, deposes and says: I am about 45 years old, and am a native Makah Indian. I reside on the reservation at the Neah Bay Agency, *Landis Callapa*, p. 379. county of Clallam, State of Washington, United States of America, and am, by occupation, a hunter and a fisherman. I have been engaged in hunting seals all my life, and have always used the spear, and went in canoes.

Charles Campbell, captain of the British schooner *Umbrina*, being duly sworn, deposes and says: Have commanded said schooner the last two years. Have been engaged in sealing in the North Pacific Ocean and Bering Sea. *Chas. Campbell*, p. 256.

Ivan Canetak, Michaeler Balashoff, Nicoli Inloo, Sacar Balashoff, Nicoli Nicoli, Sacar Rolyah, and Nicoli Inloo, jr., being duly sworn, depose and say: We reside at *Ivan Canetak et al.*, p. 229. the settlement known as Soldovoi, on Cooks Inlet, Alaska, and have lived in the immediate neighborhood all our lives. We are, by occupation, hunters of all fur-bearing animals, excepting the fur seal, which we do not hunt because we have been told it is unlawful.

John C. Cantwell, having been duly sworn, deposes and says: I am a second lieutenant in the United States Revenue-Marine Service. I have been on duty in *Jno. C. Cantwell*, p. 407. Bering Sea during the summer months of the years 1884, 1885, 1886, and 1891, and have frequently been on shore at the Pribilof Islands and in the waters adjacent thereto; have always made it a careful study and paid particular attention to the number of seal, both on the Pribilof Islands and in the waters of Bering Sea. Whenever opportunity afforded have visited the rookeries for the purpose of photographing and sketching the animals and studying their habits, numbers, etc. I have boarded a large number of vessels fitted out as sealers and engaged in sealing, and have conversed with their masters and crews on the subject of pelagic sealing.

James L. Carthcut, being duly sworn, deposes and says: I am 79 years of age. I reside in the city and county of San Francisco. My occupation is that of a master mariner. I was engaged in hunting the fur seals in the North Pacific in 1877 to 1887, and during the latter part of the time in Bering Sea. *Jas. L. Carthcut*, p. 409.

Chakatt, being first duly sworn, deposes and says: That he is 65 years of age and a resident of Aguis; certifies evidence given by Dick or Ehenchesut to be true. *Chakatt*, p. 307.

Charles Challall, being duly sworn, deposes and says: I reside in San Francisco; my occupation is that of a sailor; I have been sealing up the coast and in Bering Sea *Chas. Challall*, p. 410. three seasons, commencing in 1888 and ending in 1890; in 1888 I went on the *Vanderbilt*; we did not go into the Bering Sea that year; in 1889 I went on the *White*, and in 1890 I went on the *Hamilton*; they were all sealers.

Charlie, being duly sworn, deposes and says: I am a native Nitnat Indian, and belong to the tribe of Indians on Vancouver Island, British Columbia. I am 55 years old and reside at Pachenah Bay, on Vancouver Island, British Columbia. I am, by occupation, a hunter and fisherman, and have been so engaged ever since I have been able to paddle a canoe or spear a fish. I sealed out from Neah Bay in the *O. O. Perkins* in 1891, and this year I am sailing on *James G. Swan*. Until the last eight or ten years I sealed out of Pachenah Bay with my tribe in canoes. We used to seal in the Straits of Juan de Fuca and up and down the coast from 10 to 20 miles off. Between that time and last year I went sealing from Pachenah and sealed up and down the coast between Columbia River and Barclay Sound, from 20 to 60 miles off the coast. I am familiar with all the bays and inlets on the west coast of Vancouver Island.

Vassili Chichinoff, Timothy Demidoff, Simeon Reisoff, Alamphy Pestikoff, Prokopy Nankook, Feodore Anutak, Evan

Vassili Chichinoff et al., Grinoff, and Feodore Grinoff, being duly sworn, p. 218. depose and say: We are residents of St. Paul, Kadiak Island, Alaska, and are natives of Alaska.

Our occupation is hunting for fur-bearing animals, principally the sea otter.

Chillta, being first duly sworn, deposes and says: That he is a native and resident of Aguis; this year he and friend

Chillta, p. 308.

went out in canoe for one and a half months, and caught 20 seals, picking them up here and there.

Certifies that evidence given by Dick or Ehenchesut is true.

Simeon Chin-koo-tin, being duly sworn, deposes and says: I am 60 years old; was born and reside at Sitka, and am,

Simeon Chin-koo-tin, p. 256. by occupation, a seal hunter; have been engaged in that business since I was a small boy.

Julius Christiansen, being duly sworn, deposes and saith: I reside at St. Pauls, Kadiak Island, Alaska, and I have

Julius Christiansen, p. 219. in the Territory for the past ten years. I am an otter-hunter by occupation and the owner of a schooner engaged in that pursuit.

Peter Church, being duly sworn, deposes and says: I was born at Sitka; am 22 years old, and am by occupation a

Peter Church, p. 257. hunter. Have been engaged in sealing the past four years in the North Pacific Ocean, always in the capacity of a hunter.

Circus Jim, being duly sworn, deposes and says: I am about 35 years old, and am a native Makah Indian. I reside on

Circus Jim, p. 380. the Indian reservation of Neah Bay, in Clallam County, State of Washington, United States of

America. I am by occupation a hunter and fisherman. I have been engaged at hunting seals for about seventeen years. In early times and until within the last ten years I hunted seals with spears in canoes. During the last ten years I have been sealing up and down the coast in schooners, but used spears all the time. When we used canoes ex-

clusively, I used to hunt and capture seals about 20 miles in the Strait of San Juan de Fuca. I first went sealing in the Bering Sea in the *James G. Swan* in 1889, and went again on the schooner *Lottie* in 1891.

Clahowto, being duly sworn, deposes and says that he is a resident of the village Mchulet, Barclay Sound, and that the evidence given by Weckenunesch is true. *Clahowto*, p. 312.

James Claphanho, being duly sworn, deposes and says: I am about 43 years old, and a native Makah Indian. I reside on the Neah Bay Reservation, county of Clallam, State of Washington, United States of America. I am, by occupation, a hunter and fisherman. I own the schooner *Lottie*, which is of about 28 tons burden. I bought the said schooner about seven years ago. I have been engaged in hunting seals about twenty-four years. In my early days I hunted seals in canoes and with spears in the Strait of San Juan de Fuca, and about 80 miles off Cape Flattery.

Clappa, first being duly sworn, deposes and says that he is 50 years of age; a native and resident of Aguis; up to two years ago he hunted seals; his last hunt took place in a schooner manned by twenty men and ten canoes; hunted two months and caught 200 seals. Certifies evidence given by Dick or Ehenchesut to be true.

Harry N. Clark, having been duly sworn, deposes and says: I am 32 years old, a native of Vermont, and now a resident of Vina, Tehama County, Cal., and by occupation foreman of vineyard cultivation at Governor Stanford's Vina Ranch.

From 1884 to 1889, inclusive, I was in the employ of the Alaska Commercial Company of San Francisco, on St. George Island, Alaska, engaged through each sealing season as "boss" of a gang of seal-hunters, and in the winter, excepting that of 1886 and 1887, as teacher and storekeeper on that island.

My work as the leader of the "sealing gang" gave me as perfect opportunity as could be had for studying the habits and peculiarities of the seal and determining the best manner of caring for them.

The condition of seal life was the principal topic of discussion and thought during the summer months, and the only one of particular interest. All became familiar with it, and watched every change in the breeding grounds or number of killable seals as carefully as a farmer watches the increase or decrease of his flocks and herds.

William Clark, being duly sworn, deposes and says: I was born at Klinquan and have lived there ever since; have hunted fur-seal nine years in Dixon's Entrance and off Prince of Wales Island, in and between March and June.

Clat-ka-koi, of the village of Toquat (Barclay Sound), and one of the chiefs thereof, being duly sworn, deposes and says: That he is 50½ years of age and belongs to the villages of Toquat and Sechart, at present residing in Toquat, and is a native of the village of Sechart. • • •

He does not hunt seal in schooners. He began sealing in his canoe just off the west coast of Vancouver Island, shortly after last New Year. * * *

Clat-ka-koi, p. 306. [Clat-ka-koi understands and speaks English fairly well.]

Christ Clausen, being duly sworn, deposes and says: I reside at Victoria, British Columbia; occupation, master mariner, and am 32 years of age. I went seal-hunting in 1889, as mate of the British schooner *C. H. Tupper*, Capt. Kelly, master. * * * In 1890 I was navigator in the British schooner *Minnie*. * * * In 1891 I went as navigator in the same vessel.

Q. What is your name, age, residence, and occupation?—A. My name is Daniel Claussen; age, 32; I reside in *Daniel Claussen, p. 411.* San Francisco and am by occupation a seal-hunter.

Q. Are you a citizen of the United States?—A. I am; yes, sir.

Q. What State are you a resident of?—A. California.

Q. Have you been engaged in catching seals in the Pacific and Bering Sea, and for how long?—A. I have been engaged in sealing in the Pacific and in Bering Sea for the last six years.

John C. Clement, being duly sworn, deposes and says: I reside at Sitka; am 25 years old. Have hunted seal one *John C. Clement, p. 268.* season on the schooner *Mollie Adams* in the North Pacific Ocean and Bering Sea.

Maxwell Cohen, being duly sworn, deposes and saith: I reside at Fort Alexander, Cooks Inlet, Alaska Territory, and am *Maxwell Cohen, p. 224.* by occupation the agent of the Alaska Commercial Company at this place, where I have resided for the past twenty-two years, during which time it has been my duty to collect and otherwise handle furs and skins of all descriptions for the aforesaid company.

Peter Collins, having been duly sworn, deposes and says: I am by occupation a sailor and reside in San Francisco. I *Peter Collins, p. 413.* was engaged as a boat-puller during the years 1888 and 1889. On both trips I went out on the voyage of the sealing schooner *San Diego* to Bering Sea.

George Comer, being duly sworn, deposes and says: I am 34 years of age, and a resident of East Haddam, Conn. *George Comer, p. 536.* Since 1879 I have been engaged in sealing in the southern hemisphere and was out every year except two seasons up to 1889. I visited on these voyages Cape Horn, South Georgia, the Islands of Tristan d'Acunha, Goughs Island, the Crozets and Kerguelen islands. I have observed the habits of the seals frequenting these localities, and I spent fourteen consecutive months on one island, called by us West Cliff, located on the coast of Chile, about 100 miles north of the Straits of Magellan.

Washington C. Coulson, having been duly sworn, deposes and says: I am captain in the United States Revenue Cutter Service. At present I am in command of the *W. C. Coulson*, p. 414.

United States revenue cutter *Rush*. I was attached to the United States revenue cutter *Lincoln*, under the command of Capt. C. M. Scammon, during the year 1870, from June until the close of the year, as a third lieutenant, and have been an officer in the revenue service ever since. In the month of that year I was in the Bering Sea and at the seal islands of St. Paul and St. George. I went on shore at both islands and observed the seals and seal life, the method of killing, etc. * * * During the seasons of 1890 and 1891, I was in command of the revenue cutter *Rush* in Bering Sea, and cruised extensively in those waters around the seal islands and the Aleutian group. In the season of 1890 I visited the islands of St. Paul and St. George in the months of July, August, and September, and had ample and frequent opportunities of observing the seal life as compared with 1870.

Leander Cox, having been duly sworn, deposes and says: I am 52 years of age. I am by occupation a marine engineer. I reside in San Francisco. I first went to *Leander Cox*, p. 418. the Bering Sea in 1871, and have been going there annually since 1874. During the winter time I have been employed as engineer on a passenger vessel running between here and Victoria, British Columbia, making occasional trips south to San Diego, Cal. * * *

I am not now, and never have been in the employ of the present lessees of the seal islands.

Louis Culler, being duly sworn, deposes and says: I am 28 years old, and reside at Port Townsend, State of Washington. I am by occupation a civil engineer. In 1888 *Louis Culler*, p. 321. I shipped at Victoria, B. C., as a boat puller on the sealing schooner *Oscar and Hattie*, Gault, master. * * * In 1889 I shipped at Victoria as a hunter on the sealing schooner *Maggie Mac*. * * * In June, 1891, I shipped as a hunter on the sealing schooner *Otto Riley*, master.

Charlie Dahtlin, being duly sworn, deposes and says: I was born in Shakan and have lived here all my life. Am a very old man. Have been a hunter all my life, *Charlie Dahtlin*, p. 278. hunting both seal and bear, and all kinds of land animals, and have killed a great many of all kinds. Have hunted seal off the west coast of Prince Edward Island for a number of years.

James Dalgarduo, being duly sworn, deposes and says: I am a native of Scotland and am 58 years of age; have resided in the United States forty-five years, and *James Dalgarduo*, p. 384. have been a naturalized citizen forty years; I am a resident of Port Townsend and have resided in this vicinity for the past forty years, during which period I followed the business of fishing and piloting. I have been in the seal-hunting schooners for a period of eight years, either as master or owner of the schooner, and I hunted in the vicinity of Cape Flattery, say 30 miles off the cape in each direction.

William Healy Dall, of Washington, aforesaid, being duly sworn,
W. H. Dall, p. 22. deposes and says: That in connection with my scientific studies at Cambridge, Mass., I devoted nearly three years to the study of biology, anatomy, and medicine; that since completing my studies with Prof. Louis Agassiz at Cambridge, in the year 1863, I have been engaged in scientific work, and am now a paleontologist in the U. S. Geological Survey. I first visited Bering Sea in the summer of 1865 as a member of the scientific corps of the Western Union Telegraph expedition. Visited the Aleutian Islands and went to St. Michael, passing near the Pribilof group. In the spring of 1866 again went to northern Alaska, in the same capacity, and remained there until the fall of 1868. In 1867 the aforesaid expedition was abandoned, but I remained in the country in order to continue my scientific investigations, wintering on the mainland. In the fall of 1868 I made my way back to San Francisco on the schooner *Francis Steele*, owned by the Pioneer American Fur Company, which had a station at St. George Island, where we stopped on our way south, and thus gave me a chance to observe seal life for several weeks. In 1871 I joined the U. S. Coast and Geodetic Survey for the purpose of carrying out a proposed survey of the Aleutian chain of islands. I was thus engaged from the summer of 1871 to the end of the season of 1874, and during the winter of 1871-'72 wintered at Unalaska. During this period had opportunity to familiarize myself with aquatic seal life, and in 1874 made a reconnaissance survey of the Pribilof Islands, which afforded me an additional opportunity to observe seal life on the rookeries.

In 1880 I again visited all my former stations about and in Bering Sea for the purpose of obtaining magnetic observations. This was my last opportunity to examine the rookeries.

John Dalton, having been duly sworn, deposes and says: I am 32 years of age. I reside in San Francisco. My occupation is that of a sailor. I made a sealing voyage to the North Pacific and Bering Sea in 1885 on the Schooner *Alexander*, of which Capt. J. F. McLean was master. I was a boat-puller.
John Dalton, p. 417.

Alfred Dardean, being duly sworn, deposes and says: I reside at Victoria, British Columbia. My occupation for *Alfred Dardean, p. 322.* the last two years has been that of a seaman. I went sealing in the schooner *Mollie Adams* (afterwards changed to *E. B. Marvin*) as boat puller.

Frank Davis, being duly sworn, deposes and says: I am about 66 years old, a native Indian of the Makah tribe, residing on the Neah Bay Reservation, in the county of Clallam, State of Washington, and my occupation is that of a hunter and fisherman. I have been engaged in seal hunting for about seventeen years. I have always hunted in canoes and with spears, and years ago would kill a great many seals. I was up in the Bering Sea sealing in 1889, and have not been there since. All the other years I have been seal hunting along the coast between Grays Harbor and Barclay Sound.
Frank Davis, p. 383.

Jeff. Davis, being duly sworn, deposes and says: I am about 24 years of age, and am a native Makah Indian, and reside on the reservation at the Neah Bay Agency, in *Jeff Davis*, p. 384. the county of Clallam, State of Washington, United States of America. I am a hunter and fisherman. Since 1876 I have been engaged in hunting seals most of the time in large canoes, each canoe carrying three Indians, who used spears. I sat in the middle of the canoe and was known as the paddler. The one who sat in the stern steered the canoe, and the one in the bow was the hunter. * * * I have hunted seals in the Bering Sea for one season only. I went there in the schooner *James G. Swan* in 1889.

Joseph Dennis, having been duly sworn, deposes and says: I reside in San Francisco; my occupation has been that of seaman for the last three years. I was *Joseph Dennis*, p. 418. on the *Vanderbilt* in 1888, that being the only sealing trip I ever made.

Dick, or Ehenchesut, first being duly sworn, deposes and says: That he is about 40 years of age, and one of the chiefs of the village of Agnis, Barclay Sound; is a native of *Dick, or Ehenchesut*, p. 306. this village, and a resident of the same.

Hooniah Dick, being duly sworn, deposes and says: Born at Sitka; am about 40 years old. Have been living in Hooniah ten years, and am now subchief the Hoonah Indians. Have hunted seal for three years from Cross Sound to Yakutat. * * * Have traveled from Hoonah to Fort Simpson and north as far as Chilcat through all the channels and sounds in southeastern Alaska, and I come in contact with the people of many tribes of Indians.

George Dishow, being duly sworn, deposes and says: I reside at Victoria, British Columbia; am by occupation a seal hunter; have been engaged in the business six years; was on the *Triumph*, *Favorite*, *Penelope*, two seasons on the *Umbrina*, and one season on the American schooner *Walter Rich*, hunting seal in the Pacific Ocean, Bering Sea, and on the Russian side of the Bering Sea.

John Dohrn, being duly sworn, deposes and says: That he is a native of Germany, and has been engaged in seal hunting during the present season on the schooner *Labrador*, of Vancouver, British Columbia, in the capacity of boatpuller.

Richard Dolan, having been duly sworn, deposes and says: I am 55 years of age. I reside in San Francisco. I am by occupation a longshoreman. I made a sealing voyage to the North Pacific and Bering Sea in 1885, on the schooner *Alexander*, of which Capt. McLean was master.

James Henry Douglass, being duly sworn, deposes and says: I am a citizen of the United States. I am, by occupation, a master and pilot of vessels. My residence is Alameda, Cal. I have had a long experience sail-

ing in the North Pacific and Bering Sea. I went to the seal islands in Bering Sea over twenty years ago, and have been there many times subsequently while in the employment of the Government. From 1882 to 1888 I cruised consecutively in Bering Sea as pilot on the revenue cutters *Rush* and *Corwin*, and was often on the seal islands, our vessel being frequently anchored offshore in the adjacent waters. I had abundant opportunity and leisure to watch the habits of the fur-seals, both on the Pribolof Islands and in the waters of the Northwest Pacific Ocean and Bering Sea. * * * I am familiar with the area and topography of the various rookeries on the islands.

John Duff, being duly sworn, deposes and saith: I reside at Coal Point, on Kachemak Bay, Cook's Inlet, Alaska,
John Duff, p. 227. and have lived in the Territory for the last five years. I am the agent for the Cooper Coal and

Commercial Company at this place, and have no personal knowledge of fur-seal life. * * * I have traveled extensively through the Territory from Sitka to the Yukon River.

Peter Duffy, having been duly sworn, deposes and says: I am, by occupation, a seaman. I reside in San Francisco.
Peter Duffy, p. 421. I was in the Bering Sea in 1884 and 1885 on board the *Sea Otter*, of which Capt. Williams was master. I was a boat puller.

William Duncan, being duly sworn, deposes and says: I am 60 years of age; I have resided in British Columbia thirty years and at New Metlakahtla five years, and have always been with the Tsimshian Indians, both in British Columbia and Alaska. The Tsimshians are great hunters of fur-seal.

Echon, being duly sworn, deposes and says: Am about 50 years old and was born at Shakan. Have lived there all my life. Am a hunter by occupation. Have hunted seal in the summer time and land game in the winter. Have hunted seal off Prince of Wales Island in the spring.

Ellabush, being duly sworn, deposes and says: I am about 30 years of age, and am a native Makah Indian, and reside on the Neah Bay Reservation, in the county of Clallam, State of Washington, United States of America. I commenced sealing in canoes along the coast and in the Straits of San Juan de Fuca about fifteen years ago, and have always hunted seals with spears until recently. * * * About two years ago I began to hunt with guns.

M. C. Erskine, having been duly sworn, deposes and says: I am 55 years of age. I reside in San Francisco. I am a master mariner by occupation. I have been going to the Bering Sea twenty-four years. I went first to the seal islands in April, 1868, and have been going there ever since, visiting the islands every year until 1890. I have been cruising along the coast from here to the Aleutian Islands, and have had an opportunity of ascertaining the habits of the seals. * * * I have been

for the past twenty-four years, and am now, employed by the Alaska Commercial Company, the former lessees of the seal islands, and my opportunity for gathering the facts herein set forth has been of the most favorable character, both at the seal islands as well as in the Bering Sea. I am not now and never have been in the employ of the present lessees of the seal islands.

Elias Esaiassen, being duly sworn, deposeth and saith: I reside at the settlement known as Soldovoi, on Cooks Inlet, Alaska, and have lived in the immediate neighborhood four years. I am a miner and prospector by occupation, and have no knowledge of or experience in fur-seal life above the inlet.

George Fairchild, having been duly sworn, deposes and says: I reside in San Francisco. I am a sailor by occupation. I made a sealing voyage to the North Pacific and Bering Sea on the *Sadie Clyde*, of which Capt. Dockerty was master. I was a boat-puller.

George Fairchild, p. 423.

Samuel Falconer, being duly sworn, deposes and says: I am 61 years of age, and am now a wool-grower by occupation. My residence is Falconer, McLean County, State *Samuel Falconer, p. 163.* of North Dakota. In 1868, during the month of October, I went to Sitka, being located there as deputy collector of customs, in which position I remained until September, 1869.

I then was employed until September, 1870, as purser on board the steamer *Constantine*, plying monthly between Port Townsend and Sitka. In October, 1870, having been appointed assistant Treasury agent for the seal islands, I proceeded to said islands, and from that time until August, 1876, I remained constantly in charge of St. George Island, excepting during the winter of 1874-'75. For a few days during each one of these years I visited the Island of St. Paul, never remaining there for any length of time, however. It was necessary, in order that I might fulfill the duties of my office as agent, to make a very careful and full study of seal life, my observations being, of course, confined to St. George Island, and I therefore examined the rookeries and their occupants with the particular purpose of acquainting myself with the habits and peculiarities of the Alaska fur seal, and I endeavored to verify all my observations by particularly interrogating the natives on the islands as to each doubtful point.

F. F. Feeny, a resident of Long Island, St. Paul Harbor, Kadiak Alaska, being duly sworn, saith: I have resided in Alaska over twenty years. I am owner and captain of a hunting and trading schooner. I have been along the coast from Urimak Pass to Sitka. I have never hunted fur seal regularly, but have killed them when I came across them.

Vassili Feodor, being duly sworn, deposes and saith: I am a native of Alaska, and reside at the settlement known as Soldovoi, on Cooks Inlet, Alaska, where I have lived all my life. I am by occupation a hunter of all fur-bearing animals except the fur seal, which I am told it is unlawful to kill.

Herbert V. Fletcher, being duly sworn, deposes and says: I am a citizen of Randolph, Vt., where I have had my
H. V. Fletcher, p. 106. home nearly all my life. I am by trade a machinist and blacksmith, and by occupation a farmer.

In 1882 I went to St. Paul Island in the service of the Alaska Commercial Company as their chief mechanic, and remained there two years and four months, including the sealing seasons of 1882, 1883, and 1884. During such season of each of these years I was employed a considerable portion of the time in the annual seal-killing, and at other times my work took me frequently to the various parts of the island, so that in the course of my stay there I became, as all do who live there a year or more, very familiar with everything pertaining to the seals.

George Fogel, having been duly sworn, deposes and says: I am 52 years of age. I reside in San Francisco. My occupation is that of a merchant. I have been interested in sealing schooners for four years prior to 1892. I sent out the *C. H. White* and *Kate Manning* to the Bering Sea and North Pacific. * * * I fitted out the schooner *Cygnus* in 1874, which was one of the first sealers to go to the Bering Sea. * * * In 1870 I sent a vessel to Chilaway, off the coast of Chile.

William Foster, a resident of St. Paul, Kadiak, Alaska, being duly sworn, deposes and says: I am a hunter. Have been in Alaska eighteen years. Have been from Icy Bay to Unalaska. I have never hunted fur seal until last year.
Wm. Foster, p. 220.

C. L. Fowler, being duly sworn, deposes and says: I am 46 years of age and was born at Stoneham, Mass. I have been a resident of the Pribilof Islands most of the time since 1879. My occupation is that of assistant agent of the lessees of the islands. I have had eight years' experience on the sealing fields of St. Paul and St. George islands, and I have a practical knowledge of the habits of the fur seal while on the islands, and of the methods used in taking and preparing the skins for shipment.

Frank, being duly sworn, deposes and says: I was born on Queen Charlottes Island, and am now a very old man.
Frank, p. 293. Don't know my age. I have hunted fur seals. * * * I always hunted seals in Dixons Entrance and off Prince of Wales and Queen Charlotte islands in March and June.

Chief Frank, being duly sworn, deposes and says: I am the second chief of the Kaskan Indians. Was born at and
Chief Frank, p. 280. have lived in Kaskan all my life, and am now a very old man. My father lived here before me. My occupation has always been that of a hunter. Have hunted fur-seal in canoes. Have always used the shot-gun for killing seal.

Luke Frank, being duly sworn, deposes and says: I was born in Howkan, and have lived there all my life; am by occupation a hunter, and have hunted fur-seal six years of my life; have always hunted in Dix-

on's Entrance and off Prince of Wales Island during the month of May and June each year.

Q. What is your name, age, residence, and occupation?—A. My name is Luther T. Franklin; age, 35; residence, at present, Oakland; occupation, seal-hunter. *Luther T. Franklin, p. 425.*

Q. Are you a citizen of the United States?—A. Yes, sir.

Q. What State are you a resident of?—A. State of California.

Q. Have you been engaged in catching seals in the Pacific and Bering Sea?—A. Yes, sir.

Q. For how long a time have you been so engaged?—A. Three seasons.

Alfred Fraser, being duly sworn, says: First, that he is a subject of Her Britannic Majesty and is 52 years of age and resides in the city of Brooklyn, in the State of *Alfred Fraser, p. 554.* New York. That he is a member of the firm of C. M. Lampson & Co., of London, and has been a member of said firm for about thirteen years; prior to that time he was in the employ of said firm and took an active part in the management of the business of said firm in London. That the business of C. M. Lampson & Co. is that of merchants, engaged principally in the business of selling fur skins on commission. That for about twenty-four years the firm of C. M. Lampson & Co. have sold the great majority of the whole number of seal skins sold in all the markets of the world. That while he was engaged in the management of the business of said firm in London he had personal knowledge of the character of the various seal skins sold by the said firm, from his personal inspection of the same in their warehouse and from the physical handling of the same by him. That many hundred thousands of the skins sold by C. M. Lampson & Co. have physically passed through his hands; and that since his residence in this country he has, as a member of said firm, had a general and detailed knowledge of the character and extent of the business of said firm, although since his residence in the city of New York he has not physically handled the skins disposed of by his firm.

John Fratis, being duly sworn, deposes and says: I am 47 years of age and was born on the Ladrone Islands. I can speak the English, Russian, and Spanish languages, and I understand the "Aleut" as it is spoken by the natives of St. Paul Island, Alaska. *John Fratis, p. 107.*

I came to St. Paul Island in 1869, and married a native woman and became one of the people; was made a native sealer and have resided here ever since.

From 1859 to 1869 I was employed on whaling vessels working in Bering and Okhotsk seas and the Arctic Ocean. I have been along the coast of Bering and Okhotsk seas, and along the coast of Alaska in the North Pacific Ocean from Sitka to Unalaska. I have worked on the sealing grounds at everything there is to do, from driving to clubbing, and preparing the skins for shipment.

Thomas Frazer, being duly sworn, deposes and says: I am a native of England, and am 50 years old; have been seventeen years in the United States, of which I am a citizen. I am a resident of Port Townsend, and

have resided in this vicinity during the past seventeen years. My occupation is that of seaman, and I have hunted seals off Cape Flattery for sixteen years. In 1891 I was a hunter on board the *James G. Swan*, of Port Townsend.

William Frazer, having been duly sworn, deposes and says: I am 22 years of age. I reside in San Francisco. My occupation is that of a laborer. I have made three trips to the Northern Pacific and Bering Sea within the last six years. My first trip was on the *Charles Wilson*, of which Capt. Robert Turner was master, and the next was in the *Vanderbilt*, and the last was in the *C. G. White*.

Q. What is your name, age, residence, and occupation?—A. My name is Edward W. Funcke; age, 27; residence, at San Francisco; occupation, seal hunter.

Edward W. Funcke, p. 426.

Q. Are you a citizen of the United States?—A. No; I am not.

Q. What State are you a resident of?—A. California.

Q. Have you been engaged in catching seals in the Pacific and Bering Sea, and for how long?—A. For the last five years; yes.

John Fyfe, having been duly sworn, deposes and says: I reside in San Francisco. My occupation is that of a sealer.

John Fyfe, p. 429.

I made a sealing voyage to the North Pacific and Bering Sea on the schooner *Alexander*, of which David McLean was master. I was a boat-puller.

Nicholi Gadownen, being duly sworn, deposes and says: I am second chief of the Killisnoo Indians; am 50 years old; born at Killisnoo and have lived there all my life; am by occupation a herring fisherman. Have never killed a fur seal in my life. * * * I visit the different parts of the sound with my tribe when they are making oil.

Frank M. Gaffney, having been duly sworn, deposes and says: I am 31 years old, an American citizen and master of the schooner *Hancock*, owned by Lynde & Hough, of San Francisco. I am now, and have been since 1879, engaged in fishing and seal hunting. In 1885 I made a voyage to the Galapagos Islands as master of the schooner *Dashing Wave*, arriving there on the 30th of August and remaining until the 8th day of December of the same year. * * * During the past winter I have made a second voyage as master of the schooner *Hancock* to the southern waters, in search of seals. * * * I have been sailing to the Alaska coast, chiefly to the Shumagin Banks, in the codfish trade since 1879, and as master of a vessel since 1883. I have made in all some twenty-five or thirty voyages, usually between April and October.

George, the son of Klotz-klotz, being duly sworn, deposes and says: I belong to the Chilcat tribe of Indians and reside at Chilcat; am about 35 years old. I trade with the interior Indians and up the coast through Lynn Canal, and down the coast as far as Wrangel and Stikeen. Never killed a fur-seal in my life.

George (Son of Klotz-klotz), p. 247.

Chad George, being duly sworn, deposes and says: I was born at Neah Bay, and have lived there all my life; am 27 years old; have been a seal hunter ever since I was a small boy. Have spent three seasons in Bering Sea. For the last eight years I have been engaged as hunter. Spent the three seasons in Bering Sea on the schooners *Alfred Adams* and *Lottie*.

Charles Gibson, being duly sworn, deposes and says: I am 33 years old; was born in British Columbia, and now live at Port Chester. I have hunted seal in canoes in Queen Charlotte Sound.

Thomas Gibson, having been duly sworn, deposes and says: I am a sailor and seal hunter by occupation. I reside in San Francisco. I have been engaged in sealing for ten seasons. My first voyage was about 1881, when I went out in the *San Diego*, of which Capt. Baynard was master. We sailed from this port; I shipped as a hunter. * * * The next trip I made was in 1882, when I went out in the American schooner *Lookout*, of which Capt. Kelly was master. * * * In 1883 I went out in the American schooner *Mary de Leo*, of which Capt. Wentworth was master. * * * In 1884 I went out in the American schooner *Alger*. * * * In 1885 I went in the English schooner *Grace*. In 1886 I went in the American schooner *Alger*. * * * In 1887 I went in the English schooner *Active*. * * * In 1888 I went out in the English schooner *Rosa Lee*. * * * In 1890 I went out in the *O. G. White*.

Henry A. Glidden, being duly sworn, deposes and says: I reside at Albion, in the State of New York, am 61 years of age, a lawyer by profession, and am not in the employ of the United States Government. I was appointed special Treasury agent in charge of the seal islands under Secretary Folger. On May 31, 1882, I arrived on St. Paul Island, and remained there until June 8, 1885, only returning once to the States to pass the winter of 1883-'84. I was located the entire time on St. Paul Island. During my experience there I examined carefully the rookeries on the island, as was necessary in connection with my duties as special Treasury agent, and incidentally studied seal life on the islands.

Charles J. Goff, of Clarksburg, W. Va., being duly sworn, deposes and says: I am 45 years of age. During the years 1889 and 1890 I occupied the position of special Treasury agent in charge of the Pribilof Islands. I was located on St. Paul Island, only visiting St. George Island occasionally. About the 1st of June, 1889, I arrived on St. Paul Island and remained there until October 12, 1889, when I returned to San Francisco for the winter. Again went to the islands in 1890, arriving there about the last week in May and remaining until August 12, 1890. Since that time I have never been on the islands. My principal observations as to seal life upon the islands were confined to St. Paul Island, as I only visited St. George Island occasionally.

During my first year on the islands the Alaska Commercial Company was the lessee thereof, and during my second year the North American Commercial Company.

Gonastut, being duly sworn, deposes and says: I am 30 years old.
Gonastut, p. 238. I was born at Kodiak and live at Yakutat and belong to the Yakutat tribe of Indians. Am a hunter by occupation. Have killed a few fur-seal.

James Gondowen, being duly sworn, deposes and says: Am 30 years old; born at Killisnoo and reside at Sitka. Am *Jas. Gondowen, p. 259.* by occupation a hunter, hunting seal every summer and deer every winter since I was a small boy. Hunted one season on schooner *Sitka*. Have hunted seal between Sitka and Cross Sounds.

Kassian Gorloi, a native and resident of Atka, 56 years of age, being duly sworn, deposes and says: I am chief of *Kassian Gorloi, p. 212.* the native settlement at Atka, and have lived on this and neighboring islands all my life. I am a hunter of sea-otter and foxes by occupation, and have never hunted the fur-seal as a regular thing.

George Grady, having been duly sworn, deposes and says: I am 28 years of age. I reside in San Francisco. My *Geo. Grady, p. 433.* occupation is that of cook on board of vessels. I went to the Bering Sea in 1889 upon the *Laura*, from Victoria, as a cook.

E. M. Greenleaf, being duly sworn, deposes and says: I have resided in Victoria, British Columbia, since 1884. My *E. M. Greenleaf, p. 324.* occupation is that of a seafaring man and have a commission as master mariner. Was shipping agent in this port for three years. In 1891 I went on a sealing cruise as master of the schooner *Mountain Chief*. * * * I was interested in the schooner *Sarah W. Hunt*, that made a voyage from New York to the South Atlantic in 1882-'83 on a sealing venture. * * * Since then I have been interested in the sealing business, and am well acquainted with it, and the men engaged in it and the methods they employ. I am acquainted with the hunters and masters who sail from this port, and board all incoming and outgoing vessels of that class.

Nicoli Gregoroff, Peter Adungan, Pavel Shimeakin, Anton Kalishnikoff, Avakoon Kalishnikoff, Miron Aliman, Ti-
Nicoli Gregoroff et al., p. 234. mofe Chayha, Afanasse Malick, Marka Koosche, Giorgi Agooklook, Gregory Aogay, Makar, Choomovitsky, Yakoff Abakoo, and Evan Choomovitsky, being duly sworn, depose and say: We are natives of Alaska, and reside at Port Etches, Prince William Sound, Alaska, and have lived in the Territory all of our lives. We are hunters of fur-bearing animals, and are well acquainted with the coast line of this region.

Arthur Griffin, being duly sworn, deposes and says: My age is 24 years, and am by occupation a seafaring man and *Arthur Griffin, p. 225.* reside at Victoria, British Columbia. On February 11, 1889, I sailed from Victoria, as a boat-puller, on the sealing schooner *Ariel*. * * * On January 10, 1890, I sailed from Victoria as a boat-steerer in the schooner *Sea Lion*. * * * I went out sealing again the same year on the *E. B. Marvin*. * * * I shipped as a boat-steerer.

James Griffin, being duly sworn, deposes and says: I am 22 years old, and live in San Francisco. I hunted seal last year in the schooner *La Nympha* as boat-puller. *James Griffin, p. 433.*

W. P. Griffith, being duly sworn, deposes and says he is American born, and has been engaged in sealing during the present season on the schooner *Laborador*, of Vancouver, British Columbia, in capacity of hunter. *W. P. Griffith, p. 280.*

Joseph Grymes, having been duly sworn, deposes and says: I reside in Victoria. My occupation is that of a seaman. I made a sealing voyage on the schooner *Triumph*. *Joseph Grymes, p. 434.* in 1890, as a boat-puller.

A. J. Guild, being duly sworn, deposes and saith: I reside at the settlement known as Soldovoi, on Cooks Inlet, Alaska, and have lived at settlements along the coast between Sitka and Cooks Inlet for the past eleven years. I am a miner by occupation, but formerly followed the sea. I was for two seasons employed by parties in Port Townsend, Wash., as a seaman on board of sealing schooners clearing from that place.

Franklin L. Gunther, being duly sworn, says: I am 39 years of age, a citizen of the United States and a resident of the city of New York. For the past twenty-three years *Franklin L. Gunther, p. 531.* I have been with the firm of C. G. Gunther's Sons, and in 1876 I became a member of it. This firm has been in existence and done business in the city of New York under names very similar to its present name since the year 1820; it has always carried on a wholesale and retail fur business. It was one of the first firms to introduce seal-skin garments into the United States, and since 1857 it has constantly been engaged in placing them upon the market. It has been in the habit of buying annually in London from 2,000 to 6,000 Alaska fur-seal skins, and it has handled very many more.

Q. What is your name, age, residence, and occupation?—A. My name is Charles G. Hagman; age, 47; residence, San Francisco; occupation, seaman. *Chas. G. Hagman, p. 435.*

Q. Are you an American seaman?—A. I am.

Q. Have you ever been engaged in the business of catching seals in the Pacific or Bering Sea?—A. Yes, sir.

Q. For how long a period?—About eight years.

Q. Have you been master of a vessel thus engaged?—A. Yes, sir.

Charles J. Hague, a citizen of the United States of America, 53 years of age, being duly sworn, deposes and says: I reside at Alameda, Cal., and am a master mariner by occupation. I have been cruising steadily in Alaskan waters since the year 1878. I have sailed principally about various parts of the Aleutian Islands, as far west as Attu, to which island I have made about twenty trips from Unalaska, mostly in the spring and fall of the year.

Henry Haldane, being duly sworn, deposes and says: I am 33 years old; born in British Columbia, *Henry Haldane, p. 281.* and now reside at New Metlakatla.

Martin Hannon, being duly sworn, deposes and says: I reside at Victoria, British Columbia. I am by occupation *Martin Hannon, p. 445.* a seal hunter. Have been engaged in sealing the last three years on the British schooners *Triumph, Walter Rich, Borealis, Umbrina*, and the German schooner *Adele*.

Alexander Hansson, having been duly sworn, deposes and says: I am 34 years of age, a native of Sitka, Alaska, and *Alex. Hansson, p. 116.* was educated in the public schools of California, and afterwards attended school six years in Lovisa, Finland, returning to the United States in 1875, when 18 years old. I immediately took service as second mate on the schooner *Matthew Turner*, and later on the steamer *Dora*, vessels of the Alaska Commercial Company sailing to Alaska, and was employed a greater part of the time, for two years and a half, in the Unalaska district. In 1886 I went to St. Paul Island of the Pribilof group, and have since remained there constantly from that time until August, 1891. I was employed there in various occupations in connection with sealing, but chiefly in handling seal-skins and as one of the "killing gang," and am familiar with every phase of the business.

Q. What is your name, age, residence, and occupation?—A. My name is H. Harmsen; age, 38; residence, San *H. Harmsen, p. 442.* Francisco; occupation, mariner.

Q. Are you an American citizen?—A. Yes, sir.

Q. Have you ever been engaged in the business of catching seals in the Pacific or Bering Sea?—A. Certainly.

Q. For how long a period?—A. Since 1877.

Q. Have you been master of vessels thus engaged, or any officer in any official capacity?—A. Yes, sir; since 1880 I have been master.

Alfred Harris, being duly sworn, says: I am 40 years of age, a citizen of the United States and a resident of the *Alfred Harris, p. 529.* city of New York. For twelve years prior to February 1, 1892, I was a member of the firm of Harris & Bussak, which still does a large wholesale fur business in the city of New York. I am now associated with this firm in its business and have charge of its manufacturing department. I am authorized to sign the firm name to the annexed statement, and the reason why I sign it, instead of one of the partners, is that I have a much more intimate knowledge of all branches of the business than any one else. We are manufacturers of furs of all kinds, and a large proportion of our business consists in the manufacture of seal-skin articles. Between the years 1880 and 1890 we handled per annum on an average 12,000 fur-seal skins of the three catches. Between 1885 and 1890 we handled from 35,000 to 40,000 Alaska skins, which had been dressed and dyed in London.

James Harrison, being duly sworn, deposes and says: I reside at Victoria, British Columbia, and am by occupation *James Harrison, p. 328.* seafaring man. I have had experience in the seal-hunting business. First went out sealing as boat-puller along the Northern Pacific coast about the 26th of June, 1891; sailed from Victoria, British Columbia, in the schooner *Triumph.* • • • I sailed again about February 12, 1892, in the same vessel.

Jacob Hartlisnuk, being duly sworn, deposes and says: I was born at and have lived in Yakutat all my life. I belong to the Yakutat tribe of Indians. I am now a very *Jacob Hartlisnuk, p. 239.* old man. I am by occupation a hunter. I have hunted sea-otter, but have never killed a fur-seal in my life. * * * I have traveled from Icy Bay to Sitka Sound, and met many Indians belonging to other tribes.

Sam Hayikahtla, being duly sworn, deposes and says: I was born at Yakutat, and have lived there all my life. Am 49 years old. Have been hunting all my life. *Sam Hayikahtla, p. 234.*

Capt. J. M. Hays, being duly sworn, deposes and says: I reside in San Francisco, and am by occupation master of a vessel. Have been in the employ of the Alaska *J. M. Hays, p. 28.* Commercial Company since 1881, and in the discharge of my duties have visited annually, with one exception, the different trading posts on the islands of the Aleutian Archipelago, and on the Alaskan coast in the Bering Sea, as far north as St. Michaels, and prior to 1890 I went annually to the seal islands in Bering Sea, and frequently visited the seal rookeries on the same. * * * I am not now, nor never have been in the employ of the present lessees of the seal islands.

Charley Hayuks, being duly sworn, deposes and says that he is a resident of this village and is chief of police of same. He certifies that the evidence given by *Charley Hayuks, p. 312.* Weckenunesch is correct. * * * [Charley Hayuks understands and speaks English fairly well.]

James Hayward, being duly sworn, deposes and says: My age is 32 years; I reside at Victoria, British Columbia; occupation, seaman. I went on a sealing voyage *James Hayward, p. 327.* in 1887 as boat-steerer on the American schooner *Vanderbilt.* * * * In 1888 I went in the American schooner *Chas. D. Wilson* * * * as boat-steerer. * * * In 1890 I went in an American schooner (I can not give her name) as boat-steerer. * * * In 1891 I went as boat-steerer in the American schooner *City of San Diego.*

Capt. M. A. Healy, having been duly sworn, deposes and says: I am a citizen of the United States. I am now and have been for the last twenty-five years an officer *M. A. Healy, p. 21.* in the United States Revenue Marine Service, and have been on duty nearly all the time in the waters of the North Pacific, Bering and Arctic Seas. For the past six years I have been in command of the United States revenue steamer *Bear*, prior to which time I had command of the United States revenue steamer *Corwin* for six years; both of which vessels were employed almost exclusively in navigating the waters of Bering Sea, guarding the seal islands, and protecting the seals found in those waters from destruction by poaching vessels engaged in what is known as pelagic sealing. My first voyage was made to the seal islands in 1869, and I have cruised annually for the last twelve years in the Alaskan waters about the Pribilof Islands up to the present time. My official position and the character of my

employment, as well as natural inclination, has given me an opportunity for familiarizing myself with the character of the fur-seal industry and the habits of the seals, and has also brought me in contact with many people engaged in the hunting of the fur-seals, and of the general methods employed in catching them.

Max Heilbronner, having been duly sworn, deposes and says: I am the secretary of the Alaska Commercial Company
Max Heilbronner, p. 509. of San Francisco, and as such have custody of all accounts of said company.

John A. Henriques, of New London, Conn., being duly sworn, deposes and says: I am 65 years of age, and a captain in
J. A. Henriques, p. 31. the U. S. Revenue Marine, and have been in the service for twenty-nine years. In the fall of 1868

I was ordered to Sitka, and in the spring of 1869 received instructions to proceed at once with the revenue steamer *Lincoln* to Bering Sea in order to protect the seal life from depredations, information having been received that seal-skins had been taken from the Pribilof Islands by unauthorized persons during the previous season. On the 4th of May, 1869, I left Sitka for Kodiak; on the 13th of May I left Kodiak pursuant to orders, with 14 men of the Second Artillery and the commissioned officer, Lieut. Mast. Thence proceeded to the Pribilof Islands, touching at Unalaska. On May 22 I landed a portion of the troops and Lieut. Barnes, of the Revenue Service, with rations and stores, on St. Paul Island, one of the Pribilof group. The troops were here landed for the purpose of enforcing the United States statute providing for the protection of seal life. Lieut. Barnes had charge of St. Paul Island, and no seals were allowed to be killed, except a sufficient number for the food of the natives, and these were to be killed only under the direction of said Lieut. Barnes.

After landing I called the natives together, and through an interpreter informed them of the purport of the orders and directions of the Treasury Department in relation to the island and the natives readily agreed to follow such instructions. I had heard from the natives that seals were very timid, and thereupon ordered all the dogs on the island to be killed, which order was executed within ten minutes after it was given. I further asked the natives to surrender all firearms in their possession until the close of the sealing season, so that the sound of the firing of the same might not disturb the seals; this also they immediately did. During the time I was on the island I particularly noticed the care that the natives took not to disturb the seal rookeries, even warning some of our party from the use of tobacco in any form in the neighborhood of such rookeries. On May 24th I landed Lieut. Henderson, of the Revenue Marine, on St. George Island with the remainder of the troops, their stores and equipments. Lieut. Henderson was vested with the same authority on St. George Island that Lieut. Barnes had on St. Paul Island. Here I also had an interview with the natives as on St. Paul Island, and they too, readily complied with the orders in relation to dogs and the use of firearms above stated. Every precaution that was possible was taken by the Government officers to protect the seal life on the islands and also to prevent the breeding rookeries from being disturbed in any way.

Q. What is your name, age, residence, and occupation!—A. My name is William Henson; I am 30 years old; I reside
Wm. Henson, p. 493. in this city; I have been occupied in seal-hunting for about eight years.

Q. Are you a citizen of the United States?—A. Yes, sir.

Q. What State are you a resident of?—A. The State of California.

William S. Hereford, having been duly sworn, deposes and says: I am 39 years of age, and am a physician. I hold the degree of B. S., Santa Clara College, S. J., *W. S. Hereford, p. 32.* year 1874, also a regular graduate of the medical department of the University of Pennsylvania, year 1877; am a regular practitioner of medicine and surgery.

I entered the service of the Alaska Commercial Company, August, 1880, for the purpose of being one of the resident physicians on the seal islands, and was continuously in their employ until May, 1890, at which time I went into the employ of the North American Commercial Company in the same capacity until the latter part of August, 1891, having left by resignation. I was in the service of the Alaska Commercial Company almost ten years and with the North American Commercial Company about fifteen months, and had a total connection with the seal islands a little over ten years. Seal and seal life being the only and all-absorbing topic of conversation, business, food, etc., equally with the natives as ourselves, one naturally becomes almost as familiar with the fur-seals and their habits as a farmer would with those of the cattle and horses on his farm, or a hunter of the animals by whom he is surrounded in the woods, and by the killing of which he gains a livelihood, both as a means of sustenance and article of commerce.

In my capacity of physician and surgeon to the sealing companies, i. e., the Alaska Commercial Company and the North American Commercial Company, I was stationed the first year, i. e., 1880 and 1881, at St. George Island, and in 1881 and 1882 at Unalaska, at which time my duties required me to sail from Unalaska to Attu, Belkofskie, Atka, Unga, etc. I have been from Kadiak to Attu and have visited the way places between those points. I have also in the same capacity made three trips to St. Michaels, Norton Sound, one of which trips on account of the ice carried me over on to the Russian coast and as far north as the Bering Straits. I have also visited St. Matthews Island, though never having landed, passed by St. Lawrence Island, etc. After 1882 I was at St. Paul Island, with the exception of my vacations in San Francisco, Cal., until 1890 and 1891, when I was again placed on St. George Island. My knowledge is from personal observation and experience, as well as from conversation with the natives, having become more or less intimately acquainted with the language spoken by the natives of the islands.

William Hermann, being duly sworn, deposes and says: I am by occupation a seal and otter hunter. My present residence is in San Francisco. I have been engaged in seal and otter hunting eleven years in the Okhotsk Sea and the North Pacific. *Wm. Hermann, p. 445.*

Emin Hertz, being duly sworn, deposes and says as follows: That he is 42 years of age and a naturalized citizen of the French Republic; that he lives in the city of *Emin Hertz, p. 587.* Paris and is a member of the firm of Emin Hertz & Cie.; that he has been engaged in the fur business for eighteen years, during which time he has been in the habit of purchasing seal-skins; that he has personally handled many thousands of said fur-seal skins, and that he has a general and detailed knowledge of the history of the

business of dealing in fur skins in the city of Paris, and the character and difference which distinguish the several kinds of skins which are on the market.

That the said firm of Emin Hertz & Cie has existed for ten years, being the successors of Goetze & Cie., who were established since 1873, trading in furs generally and dealing, ever since the establishment of the firm, in seal skins, undressed, dressed, and dyed; that their business is carried on at 11 Rue Dieu, in said city of Paris.

Arthur Hirschel, being duly sworn, says: I am 39 years of age, a British subject, and a resident of London, Eng.
Arthur Hirschel, p. 563. land. I am and for the past twenty years have been a member of the firm of Hirschel & Meyer, which transacts a general fur business at London, with branch establishments at Paris, Leipzig, Moscow, Shanghai, and elsewhere. About one-tenth part of the firm's business consists in dealing in fur-seal skins, of which about 15,000 are annually bought by it. I am familiar with the character and extent of the fur-seal industry in London, and I believe that the following data relating to it are correct.

Norman Hodgson, being duly sworn, deposes and saith: I reside at Port Townsend, State of Washington, and am a
Norman Hodgson, p. 366. fur-seal hunter by occupation. I have engaged in that pursuit four seasons, in the years 1887, 1888, 1889, and 1891. I sailed in vessels clearing from Port Townsend two seasons, and in others from Victoria, British Columbia, for two seasons.

Andrew J. Hoffman, p. 446. Q. What is your name, age, residence, and occupation?—A. My name is Andrew J. Hoffman; age, 24; residence, San Francisco; occupation, seal-hunter.

Q. Are you a citizen of the United States?—A. I am.

Q. What State are you a resident of?—A. The State of California.

Q. Have you been engaged in catching seals in the Pacific and Bering Sea, and for how long?—A. I have been engaged in sealing there for three years last past.

E. Hofstad, being duly sworn, deposes and says: I reside at Sitka.
E. Hofstad, p. 260. My present occupation is that of a seal-hunter, Am at present mate of the sealing schooner *Clara*, of Sitka. Have hunted seal in the North Pacific Ocean for the past three years.

O. Holm, being duly sworn, deposes and says: I reside at Whatcom, Wash. I am part owner of the sealing schooner *Challenge*, and was on board of her last season in Bering Sea.

Edward Hughes, being duly sworn, deposes and says: I am 52 years of age, and I was born in Wales. I am a citizen
Edward Hughes, p. 36. of the United States, where I have resided for thirty-five years, of which twenty-eight years have been spent in Alaska. For eighteen years I have been cook or steward on board vessels doing business in the North Pacific and in Bering Sea, along the entire coast of Alaska from Sitka to Norton Sound and

all along and around the Aleutian Islands as far west as Attu Island, and also along the coast of Siberia as far as Plover Bay. In all those years I have met and talked with hunters, trappers, traders, and miners, whose business called them into Alaskan waters. * * * I have been steward and cook at the company's house for the lessees since 1882.

Imihap, being duly sworn, deposes and says that he is 65 years old, and a resident of Aguis. Certifies evidence given by Dick or Ehanchesut to be true. *Imihap, p. 308.*

Alferd Irving, being duly sworn, deposes and says: I am about 46 years old, and am a native Makah Indian, and reside on the Neah Bay Reservation, State of Washington, United States of America. My occupation is hunting and fishing, and I am one of the headmen of my tribe. I am master and one-half owner of the schooner *Mary Parker*. I have been engaged in hunting seals ever since I was old enough.

Q. What is your name, age, residence, and occupation?—A. My name is Gustave Isaacson; age, 46; residence, San Francisco; occupation, hunting seals. *Gustave Isaacson, p. 439.*

Q. Are you an American citizen?—A. Yes, sir.

Q. Have you ever been engaged in the business of catching seals in the Pacific or Bering Sea?—A. Yes, sir.

Q. For how long a period?—A. I have been principally occupied in otter hunting at the beginning of the seasons; at short intervals I have been sealing.

Q. For how many years?—A. Since 1872; but principally from the other side, the Okhotsch Sea side; since 1884 on this side.

Q. Have you been master of vessels thus engaged?—A. Yes, sir; for eight years on the Japan side, and one year on this side.

Ishka, being duly sworn, deposes and says: My age is about 60 years. I am a native Indian of the Makah tribe, and reside on the reservation at the Neah Bay Agency, in the State of Washington, United States of America. I am by occupation a fisherman. I have hunted seals along the coast ever since I was old enough to do so.

Victor Jacobson, being duly sworn, deposes and says: I am 31 years of age, by occupation a seal hunter. I reside at Victoria, British Columbia. I am a British subject. Have been engaged in sealing for eleven years; ten years as master. Am now master and owner of schooner *Mary Ellen* and owner of schooner *Minnie*. I have sealed from Columbia River along the coast, north and west, to the Aleutian Islands, passages, and in Bering Sea.

Hugo Jaeckel, being duly sworn, says: I am 44 years of age, a citizen of the United States, and a resident of the city of New York. I am the present owner of the business which, since the year 1878, has been carried on in the city of New York under the name of Asch & Jaeckel. I have been in the fur business since I was 16 years old, and am now engaged in the wholesale manufacture of furs. I do a large business in fur-seal skins, and between 1885 and 1890 annually.

James Jamieson, being first duly sworn, deposes and says: I am 23 years old, and am by occupation a seaman; I reside at Victoria, British Columbia. In March, 1887, I joined the British sealing schooner *Mary Taylor*. * * * We went on a cruise for seal; I was a boat puller. * * * In January, 1888, I joined the *Mountain Chief*. * * * I was mate on this vessel. In January, 1889, I shipped as a boat steerer on the British sealing schooner *Teresa*. * * * In January, 1890, I shipped as a boat steerer on the sealing schooner *Mollie Adams*. * * * In January, 1891, I shipped as a seaman on the British sealing schooner *Mascot*. * * * I left the *Mascot* and joined the British schooner *Venture*. * * * I shipped as a seaman and hunter on the British schooner *Venture*. * * * In February, 1892, I joined the British sealing schooner *Minnie*.

Q. What is your name, age, residence, and occupation?—A. My name is Frank Johnson; age, 33; occupation, master mariner; residence, San Francisco.

Q. Are you an American citizen?—A. Yes, sir.

Q. Have you ever been engaged in the business of catching seals in the Pacific or Bering Sea?—A. Yes, sir.

Q. For how long a period?—A. About ten years, off and on. I have been otter hunting some years; about half.

Q. Have you been master of vessels thus engaged?—A. No, sir; this will be my first time this year.

Q. What position did you occupy?—A. Hunter and mate two years.

J. Johnson, being duly sworn, deposes and says: I reside on Douglas Island, Alaska. I have spent six years of my life sealing. I have been sailing master of the schooner *San Diego*, the *Penlope* of Victoria, the *Ada* under the German flag, the *Roscoe* of San Francisco. Have been either master, mate, or hunter on all these vessels.

Jack Johnson, being duly sworn, deposes and says: I am 39 years old, and was born at Tongrass, and now live at Wrangel. Am a hunter by occupation, and have hunted fur-seal in Queen Charlotte Sound, using shotguns exclusively.

Selwisch Johnson, being duly sworn, deposes and says: I am about 30 years old; am a native Makah Indian, and reside at Neah Bay, on the Indian Reservation, State of Washington, United States of America. My occupation is that of hunting and fishing. I have been engaged in catching seals ever since I was old enough to do so, and have always hunted with a spear.

Johnnie Johntin, being duly sworn, deposes and says: I belong to Klawak, where I was born. Am now living at Shakan. Am by occupation a hunter; have been hunting seal and land animals since a boy; have always hunted seal off Prince of Wales Island in spring and early summer.

Personally appeared before me, Thomas N. Molloy, consul of the United States of America for Newfoundland, James Glavine Joy, master mariner of St. Johns, *Jas. G. Joy, p. 591.* aforesaid, who being duly sworn before me, upon his oath says: I have been twenty-four years prosecuting the seal fishery on the coasts of Newfoundland, Labrador, and Gulf of St. Lawrence, nine years of which I have commanded a steamer.

Kah-chuck-tee, being duly sworn, deposes, and says: I am the chief of the Huchenoos. I am a pretty old man. I don't do anything; am the gentleman of my tribe. *Kah-chuck-tee, p. 248.* My tribe live by catching herring, from which they make oil, and dispose of it to the Indians of other tribes, which come here in large numbers. I have visited all the inlets and islands in Chatham Sound and other parts of Alaska as far as Sitka.

Percy Kahiktday, being duly sworn, deposes and says: Am 48 years old; was born at and reside in Sitka. Have hunted seal every summer since I was a small boy. *P. Kahiktday, p. 261.* Have never been to Bering Sea.

Samuel Kahoorof, a native of Attu Island, 52 years of age, being duly sworn, deposes and says: I am a hunter of the sea-otter and blue fox, and have lived in this vicinity all my life. Have never hunted the fur-seal. Our hunting grounds are about Attu, Agattu, and the Semiochi Islands.

Philip Kashevaroff, being duly sworn, deposes and says. Am 47 years old; born at and reside in Sitka. Am by occupation a mariner. The last year I spent hunting seal on the schooner *Allie Alger.* *P. Kashevaroff, p. 261.*

Kaskan, being duly sworn, deposes and says: I belong to the Chilcat tribe of Indians. I have traded with other tribes up Lynn Canal and as far north as the Yukon River, and down the coast as far as Wrangell.

King Kaskwa, being duly sworn, deposes and says: I was born at Howkan, and reside there. Have lived there all my life, and am now a very old man, about 65 *King Kaskwa, p. 295.* years old. My occupation is that of a hunter. Have hunted fur-seals thirteen years or more. Have always hunted them in Dixons Entrance and off Prince of Wales Island between March and June.

Jim Kasooch, being duly sworn, deposes and says: I was born at Howkan and have lived there all my life. Am about 45 years old. I am by occupation a hunter. *Jim Kasooch, p. 296.* Have hunted fur-seal for eight years. Always hunted in Dixons Entrance and off Prince of Wales Island in May and June.

James Kean, having been duly sworn, deposes and says: I reside in Victoria, British Columbia; my occupation is that of a seaman and seal hunter. I first went seal-hunting in 1889 on the schooner *Oscar and Hattie*.
Jas. Kean, p. 448.
 * * * In 1890 I went out in the *Walter Rich*.

Albert Keetnuck, being duly sworn, deposes and says: I am 27 years old. Was born and live at Killisnoo. Make her-ring oil, cut wood, and grow potatoes and turnips.
Albert Keetnuck, p. 250. The herring oil I make I sell to other Indians, and the potatoes and turnips I dispose of to the white men around the sound, and sell the wood to the fish company. My business calls me away from this place to the different inlets and islands around Chatham Sound. * * * The Indians who buy my fish oil belong to tribes who live long distances away.

James Kennedy, having been duly sworn, deposes and says: I am now residing in San Francisco. My occupation is that of a sailor. I went to the North Pacific and Bering Sea on the schooner *Maggie Ross*, of which Captain Olsen was master, in the early part of May, 1884. I shipped as a boat-puller.

Mike Kethusduck, being duly sworn, deposes and says: Am 50 years old: was born at and reside in Sitka; am by occupation a hunter; have hunted seals every season since I was a small boy.
Mike Kethusduck, p. 262.

George Ketwooschish, being duly sworn, deposes and says: Am 30 years of age; born in and have lived at Killisnoo all my life. Belong to the Thlinket tribe of Indians. I am a herring fisherman by occupation. I make herring oil which I sell to the people of other tribes along the coast. They come a long distance to buy it of me. I visit all the islands and rocks in following my business, in Chatham Sound.

Kickiana, being duly sworn, deposes and says: That he is 20 years of age; is a native of Sechart village, and a son of Clat-ka-koi. Last year he went north in the schooner *Ariel*, and spent one and one-half months in Bering Sea.
 [Kickiana understands and speaks English fairly well.]

James Kiernan, having been duly sworn, deposes and says: I am a master mariner by profession, and a resident of California. I have been engaged in seal hunting since 1843. My first voyage was from Newport, R. I., to the east coast of South America, at Lobos Island, off the mouth of the river Platte, at Castillo Island, and on the east coast of Patagonia. Afterwards I went to the Falkland Islands, to the South Shetland Islands, and to the west coast of Patagonia. In those days we killed the seals on land with clubs, but all those rookeries have since been destroyed through the constant hunting of the seals. Afterwards I came to California and made my first seal-hunting voyage in the North Pacific in 1868, and in more recent years in Bering Sea. I have given much attention to the study of seal life, as well as to the methods of

hunting in the sea, and the consequent effect of this upon the possible extermination of the seal. * * * The last vessel I went out in was the *Sophie Sutherland*, during the season of 1891. I went as sailing master.

Louis Kimmel, being duly sworn, deposes and says: I am a resident of Lafayette, Ind., and am 63 years of age. During the years 1882 and 1883 was the assistant *Louis Kimmel, p. 173.* Treasury agent, located on the St. George Island, of the Pribilof group. I arrived on the island May 31, 1882, and remained there continuously until the latter part of July, 1883.

While on the island I studied the habits of the fur-seals in order that I might be able to perform my official duty.

Francis Robert King-Hall, being duly sworn, deposes and says: I am a subject of Her Britannic Majesty, late of the Eleventh Hussars, a son of Sir William King-*François R. King-Hall, p. 352.* Hall, K. C. B., admiral in the British navy. I am 35 years of age, a journalist by profession, residing in New York City. In 1891, as a correspondent of the New York Herald, I was detailed to investigate into the methods of pelagic sealing. I proceeded to Victoria, arriving about the 25th of June, and procured passage on board the sealing schooner *Otto*.

Kinkooga, being duly sworn, deposes and says: I was born at Yakutat and have lived there all my life. I am about 40 years old, I think. By occupation I am a *Kinkooga, p. 240.* hunter; have killed a few fur-seal in my life.

Charlie Klananeck, being duly sworn, deposes and says: I was born at Sitka, and am now a very old man; have lived at Wrangle twenty years; have been a *Charlie Klananeck, p. 263.* hunter all my life. A long time ago I hunted seal with a spear, but of late years have used the shotgun.

James Klonacket, being duly sworn, deposes and says: I was born at Klinquan, and have lived at Howkan a great many years. I am now a very old man and am a *Jas. Klonacket, p. 283.* hunter by occupation; have hunted fur-seal for twelve seasons off Prince of Wales Island.

Konkonal, being duly sworn, deposes and says: I am one of the headmen of the tribe of Neltuskin village; am 60 years of age; was born at and have lived at *Konkonal, p. 251.* Killisnoo all my life; have always made it my business to catch herring and make oil, which I have disposed of to Indians of other tribes, who come a long distance to buy it.

Robert Kooko, being duly sworn, deposes and says: I was born in Victoria, British Columbia; moved from Victoria to Howkan, Alaska, when I was a small boy; *Robert Kooko, p. 296.* have hunted fur-seal for three years in Dixons Entrance and off Prince of Wales Island in the month of May.

Frank Korth, being duly sworn, deposes and saith: I reside at Port Etches, Prince William Sound, Alaska, and have lived in the Territory for the last eight years. I *Frank Korth, p. 235.* am the agent for a fur-trading company at this

place, but never had any personal experience in fur-seal hunting. I am, however, well acquainted with the coast of Alaska from Prince William Sound to Unimak Pass.

Jacob Kotchooten, being duly sworn, deposes and says: I am a native of St. Paul Island, Alaska, and I am 40 years old; born at and reside in Sitka; occupation, a hunter; have hunted seals every season since I can remember.

Jacob Kotchooten, p. 131. John Kowineet, being duly sworn, deposes and says: Am 48 years old; born at and reside in Sitka; occupation, a hunter; have hunted seals every season since I can remember.

C. F. Emil Krebs, having been duly sworn, deposes and says: I am a native of Libau, Russia, 49 years old, and an American citizen, duly naturalized, and a resident of San Francisco, Cal. I first went to Alaska in 1869 for the American-Russian Commercial Company of San Francisco, and was stationed at Atka as a fur-trader, where I remained two years. In 1871 I entered the service of Hutchinson, Kohl & Co., lessees from Russia of the right to take seals upon the Commander Islands, and was placed in charge of Copper Island of this group, and so remained constantly for ten years, until 1881, without once leaving my post of duty. In this position the habits of the seals, the condition of the rookeries, the best methods of obtaining seal-skins for market, and, in general, everything in and about the business of my employers on the island, received my careful and constant attention.

Ivan Krukoff, p. 208. Personally appeared before me, Ivan Krukoff, who, being duly sworn, deposes and says: I am 46 years of age, a native of the Aleutian Islands, and have lived in the village of Makushin all my life.

Nicoli Krukoff, being duly sworn, deposes and says: I am 43 years of age, and was born at Sitka, Alaska. I can read and speak the Russian, Aleut, and English languages. I came to St. Paul Island in 1869, and have been here ever since, constantly employed among the fur seals, and I have had daily experience in all the branches of the business, from driving the seal to preparing the skins for shipment, and I am at present the second chief on St. Paul Island, to which position I was appointed in 1891.

Aggie Kushin, being duly sworn, deposes and says: I was born at Simshoe, Kurile Islands, and am 37 years of age. Aggie Kushin, p. 128. I came to St. Paul Island in 1867, and have resided here ever since. I can read and write in the Russian and Aleut languages, and am able to interpret the one into the other; and I understand the English language fairly well. At present and for several years past I am assistant priest in the Greek Catholic Church. My occupation on the island is that of native sealer, and I have been such since 1870. I have a thorough knowledge of the taking of fur seals for skins in all its details as it has been done on St. Paul Island since 1870.

Olaf Kvam, being duly sworn, deposes and saith: I reside on Green Island, in Prince William Sound, Alaska, and have lived in the Territory for the last 10 years. *Olaf Kvam, p. 235.*
I am a mariner by occupation, but of late years have been engaged in hunting fur-bearing animals.

George Lacheek, being duly sworn, deposes and says: Am 40 years of age; born at and live in Sitka. Am by occupation seal-hunter in summer and deer-hunter in winter. Have hunted seal every season since a small boy. Have always hunted off Sitka Sound. *George Lacheek, p. 264.*

James Laflin, having been duly sworn, deposes and says: I am 60 years of age. I have resided in San Francisco the last forty-two years. I am by occupation shipping agent for the last fifteen years, and fit out all the whaling fleet that leave this port. All the men go through my office. Have fitted out forty-seven whalers this year and have three more in port to be fitted out. I also fit out sealing schooners—about twelve to fourteen each year. I have also owned one-third interest as managing owner in two sealing vessels. I handle and pay off over 1,600 seamen each year in the whaling fleet alone. I also handle and ship a great many men on the sealing vessels. I often converse with the masters of the vessels relative to the fur seal.

Andrew Laing, being duly sworn, deposes and says: I am 42 years of age; residence, Victoria, British Columbia; occupation, trader. I went out as trader on the *W. P. Sayward*, of which I was part owner, in the years of 1882, 1883, 1884, 1885, 1886, 1887, 1889, and 1890. In 1888 I went as mate on the *Favorite*, my boat having been seized the year before by the revenue cutter *Rush*, but was finally released, so that I went in her again in 1889 and 1890. * * * Prior to 1886 I nor my vessel had ever been in the Bering Sea hunting, but had cruised along the coast each year from the Columbia River to Kadiak Island, and then returned to Victoria and had caught seals in greater or less numbers each year; but in 1886 and each year thereafter, excepting 1891, I have not only sealed on the coast, but have also been in the Bering Sea hunting seals.

My vessel went to the Bering Sea in 1891, but I did not go with her.

Sir George Curtis Lampson, baronet, being duly sworn, doth depose and say: (1) That he is 58 years of age and a subject of Her Britannic Majesty. That he is the son *Sir G. C. Lampson, p. 564.* and successor of the late Sir Curtis Lampson, baronet, who founded the house of C. M. Lampson about the year 1830. That deponent is at the present time the head of the firm of C. M. Lampson & Co., doing business at 64 Queen street, in the city of London. That the business of said firm is that of commission merchants, engaged in selling and in buying on commission fur skins of various kinds. That his said firm now handle and for many years last past have handled a greater number of skins of fur-seals than all the other firms in the world put together, and that he has a general knowledge of the character of the business of buying and selling fur-seal skins. That his partner, Mr. Emil Teichmann, has a more detailed and technical knowledge of the business than deponent, and can depose in respect to the technical aspects of the business in more detail and with greater accuracy than deponent would wish to do.

* * * Capt. A. W. Lavender, * * being duly sworn, deposes and says: I am 49 years of age, a citizen of the *A. W. Lavender*, p. 265. United States, and a resident of Scotland, South Dakota. I am now, and have been for two years past, employed as special agent of the Treasury Department, assigned to duty as agent in charge of St. George Island.

Edward Nightl Lawson, being duly sworn, deposes and saith: I reside at St. Pauls, Kadiak Island, Alaska, and have *E. N. Lawson*, p. 221. lived in the Territory for the past twelve years. I am a sea-otter hunter by occupation and am well acquainted with the northwest coast from San Francisco to Unalaska.

In the years 1878 and 1879 I was employed as a fur-seal hunter on board the schooners *Favorite* and *Onward*, respectively, both of Victoria, British Columbia; and in the years 1884 and 1885 I was engaged in the same capacity on the schooners *Teresa* and *San Diego*, respectively, both hailing from San Francisco, Cal.

Isaac Lenard, being duly sworn, deposes and saith: I reside at Belkofsky, Alaska Territory. I have been a sea-otter *Isaac Lenard*, p. 217. hunter for forty years, and have occasionally raided the Russia sea islands.

James E. Lennan, being duly sworn, deposes and saith: I reside at Port Townsend, State of Washington, and am by *Jas. E. Lennan*, p. 369. occupation master and pilot of steam vessels in the waters of the Pacific Ocean coastwise to the Bering Sea. I have had eighteen years' experience in the waters of Alaska, and am well acquainted with the Northwest Coast from San Francisco to Attu Island, including Bering Sea and its coast line. I have sailed as master of trading and supply vessels for a number of years in Alaska, and in the year 1887 was master of a sealing schooner clearing from Victoria.

George Liebes, having been duly sworn, deposes and says: My age is 25. I reside in San Francisco. I am a furrier and dealer in dressed *George Liebes*, p. 510. and raw furs by occupation. I have been engaged in that business for the last six years. I have been going to Victoria for the last two years for the purpose of buying both land and sea furs. In 1890 I examined 14,000 fur-seal skins that were brought down on a tender from Sand Point, Alaska.

Herman Liebes, being duly sworn, says: First. That he is 50 years of age and resides in the city of San Francisco, Cal. *Herman Liebes*, p. 512. That he has been in the fur business since he was 13 years of age, and established in his own business in San Francisco in the year 1864. That he first began to buy seal-skins in the year 1865.

Isaac Liebes, having been duly sworn, deposes and says: I reside in San Francisco, Cal. I am, and have been for the *Isaac Liebes*, p. 452. last twenty-three years, by occupation a fur merchant, during which time I have handled more raw fur-seal skins than any other individual in the United States or Canada, and more than any firm or corporation except the lessees of the sealeries of the Pribilof and Commander islands. I claim to be thoroughly acquainted with all kinds of seal-skins, and from all the different localities, and can readily

distinguish one from the other. I am also thoroughly familiar with the mode of capturing the seals, both on land and in the water, and in handling, packing, and shipping the skins. My business as a manufacturer of furs has also made me equally familiar with the dressed and dyed seal-skins. The greater part of the raw seal-skins which have passed through my hands were from seals captured at sea, and it is with this feature of seal-hunting that I am more especially familiar. I speak from personal observation and experience in describing the marine sealing fleet and the business of marine seal-hunting.

Sidney Liebes, having been duly sworn, deposes and says: My age is 22. I reside in San Francisco, and am by occupation a furrier, having been engaged in that business for the last six years. I have made it my business to examine raw seal-skins brought to this city for sale, and am familiar with the different kinds of seal-skins in the market. I can tell from an examination of a skin whether it has been caught on the Russian or American side. *Sidney Liebes, p. 516.*

James Lighthouse, being duly sworn, deposes and says: I am a native Indian of Makah tribe, and reside at Neah Bay, on the Indian Reservation, in the State of Washington, United States of America. I am about 55 years of age, and my occupation is that of hunting and fishing. I am the owner of the schooner *C. C. Perkins*. I have been engaged in sealing and fishing ever since I was old enough to do so. * * * I have always sealed in the Strait of San Juan de Fuca, and around Cape Flattery, and up and down the coast from Barclay Sound to the Columbia River. I commenced going north to Barclay Sound about ten years ago.

Caleb Lindahl, having been duly sworn, deposes and says: I am 46 years of age. I reside in San Francisco. My occupation is that of a sealer. I first went sealing in the Bering Sea in 1890 on the *Mattie T. Dyer*. *Caleb Lindahl, p. 456.* I was employed as a hunter.

E. W. Littlejohn, being duly sworn, deposes and saith: I reside at San Francisco, Cal. I am a sea-otter and seal hunter by occupation, and am now master of the schooner *Pearl*, which is engaged in sea-otter hunting. I have had eight (8) years experience in this pursuit in the waters along the Alaskan coast.

John N. Lofstad, having been duly sworn, deposes and says: I am 48 years of age. I reside in San Francisco. I am by occupation a dealer in furs and fur goods. I have been in the business for twenty-eight years, during which time I have bought large numbers of dressed and undressed fur skins, and I am thoroughly familiar with the business. *John N. Lofstad, p. 516.*

William H. Long, being duly sworn, deposes and says: I am by occupation a seaman, and have followed the sea for the last fifty years. I have been mate and master of vessels. For the last four years I have not been to sea. In 1885 I was hunter on board the schooner *Lookout*; *William H. Long, p. 457.*

in 1886 I was mate of her; in 1887 I was master of her. I was engaged during these years in seal and otter hunting in the Bering Sea.

Abial P. Loud, being duly sworn, deposes and says: I am a resident of Hampden, Me., and am 55 years of age. On *Abial P. Loud, p. 37.* April 4, 1885, I was appointed special assistant Treasury agent for the seal islands, and immediately started for the islands, arriving at the island of St. Paul on May 28 or 30. Spent that season on St. Paul Island, and returned for the winter to the States, leaving the islands on the 18th of August. Went back again next spring, arriving there in the latter part of May, and remained until August, 1887, on St. Paul Island. Spent the season of 1888 and 1889 on St. George Island, returning in the fall of 1889 to the States. In 1889 I spent some time in the fall on St. Paul Island. On whichever island I was located I always kept careful watch and made frequent examination of the rookeries during this entire period.

Thomas Lowe, being duly sworn, deposes and says: I speak the English language fairly well, and can interpret the Chinook and Indian languages. I am a half-breed Indian and belong to the Challam tribe, and am 30 years of age. I reside on Whidby Island, and am by occupation a hunter and have been engaged in hunting seals for the last eight years. I went to the Bering Sea in 1889, on the schooner *James G. Swan*, and again in 1891 on the schooner *Lottie*. These two seasons are the only ones in which I have been in the Bering Sea. During the other seasons I sealed in the Strait of San Juan de Fuca and along the coast between the Columbia River and the northern end of Vancouver Island.

Q. What is your name, age, residence, and occupation?—**A.** My name is Charles Lutjens; I am 50 years of age; I reside in this city, and am by occupation a seal hunter. *Chas. Lutjens, p. 458.*

Q. Are you a citizen of the United States?

A. Yes, sir.

Q. What State are you a resident of?—**A.** The State of California.

Thomas Lyons, having been duly sworn, deposes and says: I reside in San Francisco. My occupation is that of a seaman. On the 24th of February, 1887, I left the port of Victoria, British Columbia, on a sealing voyage to the North Pacific and Bering Sea. I went on the schooner *Triumph*, of which Capt. Cox was master. I was engaged as a boat-puller.

George McAlpine, being duly sworn, deposes and says: I reside at Juneau. Spent the last season on the *Allie I. George McAlpine, p. 268.* *Alger*, hunting seal, as boat-steerer.

Charles E. McClennen, being duly sworn, says: I am 36 years of age, a citizen of the United States, and a resident *Charles E. McClennen, p. 517.* of Albany, in the State of New York. I am a director in the George C. Treadwell Company, the corporation referred to in the affidavit of George H. Treadwell, verified this day. I have been in the fur business for about eight years, and during that time I have handled many fur-seal skins in all their conditions.

J. D. McDonald, being duly sworn, deposes and says: I reside at Sitka. Own and command the sealing schooner *Adventure*. Am by occupation a miner and hunter. Have been engaged in sealing two years. Have hunted from San Francisco to Kadiak.

H. H. McIntyre, of Randolph, Orange County, Vt., on being duly sworn, deposes and says, concerning the fur-seals of Alaska, and matters relative thereto, as follows: *H. H. McIntyre, p. 40.*
I am a native of Vermont, 48 years old, commissioner from Vermont to the World's Columbian Exposition of 1893, etc. In the years 1868 and 1869 I was special United States Treasury agent, assigned to duty in Alaska, and from 1870 to 1889, inclusive, superintendent of the seal fisheries of Alaska for the lessees. I spent ten months as special Treasury agent, from November, 1868, to August, 1869, in inquiry concerning the fur-seal fisheries then recently acquired from Russia, with a view to advising the Government of the United States what disposition should be made of them, and to this end visited all the principal points along the northwest coast of the American continent from Vancouver's Island to the most westerly island of the Aleutian Archipelago, the Pribilof group, and points along the Bering Sea coast.

As superintendent of the seal fisheries I visited the seal islands twice in the summer of 1870; remained constantly thereon from April, 1871, until September, 1872, and thereafter went to the islands every summer from 1873 until 1889, inclusive, excepting 1883, 1884, and 1885. I usually remained on the islands about four months, from May until August, in each season, supervising the annual seal catch, examining the conditions of seal life, studying the habits of the seals, and, in brief, doing such work as the interests of the lessees seemed to demand. I also went twice to London, first in 1872 and again in 1886, to attend the fur-seal trade sales, with a view to becoming more thoroughly acquainted with the demands of the seal-skin market. My duties as such special Treasury agent and superintendent demanded and received my attention to every detail of seal life and its relation to commerce. In the execution of these duties I was constantly aided by able, intelligent assistants and native seal hunters, whose daily observations and reports were from time to time communicated to me.

H. W. McIntyre, having been duly sworn, de- *H. W. McIntyre, p. 134.*
poses and says: I am an American citizen, a native of the State of Vermont; my age is 57 years; I am a resident of Vina, Tehama County, California, and by occupation general manager of Senator Leland Stanford's Vina ranch and Palo Alto vineyard. In the year 1871 I entered the service of the Alaska Commercial Company, and was assigned to duty at the Pribilof group of islands in Bering Sea, first in the capacity of chief mechanic, and later as resident agent in charge of the island of St. Paul.

I left San Francisco for Alaska early in April of 1871, and arrived at St. Paul Island about the beginning of May the same year, on which island I resided continuously until the close of the sealing season of the year 1881, leaving there in the month of August, except that I was absent on leave during a portion of the winter season in 1874, 1877, and 1880. During the period of my residence I visited the islands of St.

George, Unalaska, and other principal stations of the Alaska Commercial Company in Bering Sea and the North Pacific, and obtained through observation and from information very accurate knowledge of the fur-seals and their habits while upon or near the islands which constitute their breeding place.

During my long and constant residence I became interested in all matters pertaining to the welfare of the people residing upon the islands, and have since, through an extensive acquaintance with agents and employés of the lessees, been constantly advised as to events transpiring there from year to year.

H. W. McIntyre, p. 138. William McIsaac, having been duly sworn, deposes and says: I am a sailor, and reside at San Francisco. I went to the Bering Sea in the American schooners *Alexander* and *Otter* in the years 1889 and 1890. * * * I was employed as boat steerer and puller.

Jas. McKeen, p. 267. James McKeen, being duly sworn, deposes and says: I reside at Sitka, and am by occupation a seaman and seal hunter. Have been engaged in catching seals the last five years, most of the time as captain of a schooner.

Wm. McLaughlin, p. 461. William McLaughlin, having been duly sworn, deposes and says: I reside in San Francisco; my occupation is that of a seaman. I shipped as a boat puller in 1886 on the schooner *Triumph*. * * * In 1887 I went codfishing in the barkentine *Premium* to the Bering and Okhotsk Seas. * * * I went to the Bering Sea on the *Maggie Ross* from Victoria. * * * I shipped as a boat puller.

Q. What is your name, age, residence, and occupation?—A. My name is Alexander McLean; age, 32; residence, *Alex. McLean, p. 436.* San Francisco; occupation, master mariner.

Q. Are you an American citizen?—A. I am.

Q. Have you ever been engaged in the business of catching seals in the Pacific or Bering Sea?—A. I have.

Q. For how long a period?—A. Ten years.

Q. Have you been master of vessels thus engaged?—A. I have been nine years in the sealing business.

Q. What is your name, age, residence, and occupation?—A. My name is Daniel McLean; age, 43; occupation, *Daniel McLean, p. 443.* master mariner; residence, San Francisco.

Q. Are you an American citizen?—A. Yes, sir.

Q. Have you ever been engaged in the business of catching seals in the Pacific or Bering Sea?—A. Yes, sir.

Q. For how long a period?—Eleven years.

Q. Have you been master of vessels thus engaged?—A. Eleven years.

The undersigned, Robert H. McManus, of the city of Victoria, province of British Columbia, Dominion of Canada,

Robt. H. McManus, p. 335. being duly sworn, saith: I am about 49 years of age, and have for some years past followed the calling of newspaper correspondent and writer.

In 1889, at the time the British sealing schooners were seized in the

Bering Sea by the United States revenue cutters, I devoted some attention to the sealing industry. Being acquainted with Mr. Walter Borns, through his being a boarder in my family, and who is largely identified with the sealing industry, I was by him earnestly solicited to accompany him on a sealing cruise on board his schooner *Otto* last season. Some time previously I had a severe attack of rheumatic gout, and was at the time of solicitation by Mr. Borns partially convalescent. I was advised that the voyage would tend towards the recovery of my health and the inducement of an opportunity to gain by personal observation all that could be learned of the seal-hunting question, which I would be enabled to turn to pecuniary account as a newspaper correspondent, determined my acceptance of the proposal, although the pecuniary offer of Mr. Borns was merely trivial. I was very weak and feeble, and had to be assisted on board the vessel. Mr. F. King-Hall, correspondent of the New York Herald, was, with my consent, taken on board as a passenger.

Thomas Madden, having been duly sworn, deposes and says: I reside in Victoria, British Columbia. My occupation is that of a seaman. I have been going to the *Bering Sea* over twelve years on whalers and sealers. I went sealing in 1888, 1889, 1890, and 1891 on the *Black Diamond*. We left Victoria along in January of each year. I was a boat puller.

Edward Maitland, being duly sworn, deposes and says: I was born in British Columbia. I reside now in New Metlakahtla. Am 31 years old. I have been a hunter all my life. Have hunted seal in a canoe; my lodge was on Dundas Island, and I hunted in Queen Charlottes Sound and Dixons Entrance.

Makeshow, being duly sworn, deposes and says that he is a resident of this village and that the evidence given by *Makeshow*, p. 311. Weckenunesch is true.

John Malowansky, being duly sworn, deposes and says: I am a resident of San Francisco, Cal., and an American citizen, though a Russian by birth. I am a merchant by profession, and am agent for the Russian Sealskin Company, and was formerly, for many years, the agent for Hutchinson, Kohl, Phillipus & Co., the former lessees of the Russian seal islands.

During the years 1869, 1870, and 1871 I resided on the Commander Islands, in the pursuit of the sealing business, of which I had charge. I was there again in 1887 as the agent of the company. I formerly lived in Kamchatka, and frequently visited the Commander Islands between 1871 and 1887. I have also been a dealer in furs. I am well acquainted, from long experience and observation, with all matters pertaining to the sealing business and the present condition of the fur-seal trade, especially on the Russian side of the Bering Sea.

James Maloy, having been duly sworn, deposes and says: I am 50 years of age. I reside in San Francisco. My occupation is that of a seaman. I was in the North Pacific and Bering Sea in 1889. I went out in the *Maggie Ross*, which sailed from Victoria in the month of February.

Q. State your age and place of residence.—A. I am 34 years of age and am a native and resident of St. Paul Island,
Noon Mandregin, p. 139. Alaska.

Q. What is your occupation?—A. I am a sealer, formerly in the employ of the Alaska Commercial Company, and now in the employ of the North American Commercial Company.

John Margathe, being duly sworn, deposes and says that for 23 years he has resided on the west coast of Vancouver Island, Victoria, Barclay Sound, etc., and that at present he owns a store in Uchulet, Barclay Sound, and is the only white man residing in same.

Patrick Maroney, having been duly sworn, deposes and says: I reside in San Francisco. My occupation is that of a seaman; I made two voyages to the North Pacific and Bering Sea. In 1889 I went out in the *May Ellen*, of which Capt. Alex. McLean was master, and in 1890 I went out in the *Lizzie Ellen*. I was a boat puller on both voyages.

Charles Martin, being duly sworn, deposes and says: I was born at Klinquan and reside there; am 30 years old, and my occupation is that of a hunter. Have hunted fur-seal ever since I was a boy; always hunt in Dixons Entrance and around Prince of Wales and Queen Charlottes islands.

Walter Edward Martin, being duly sworn, doth depose as follows: First. That he is 40 years of age, a subject of Her Britannic Majesty, and lives in the city of St. Albans, and carries on business at 4 Lambeth Hill, in the city of London; that he is the head of the firm of C. W. Martin & Sons, who are the successors of the firm of Martin & Teichmann, which firm was composed of deponent's father, C. W. Martin, and Emil Teichmann, who is now a member of the firm of C. M. Lampson & Co., of the city of London; that the said firm of C. W. Martin & Sons is engaged in the business of dressing and dyeing furs of all kinds; that they have until the last year and have for many years last past dressed and dyed a larger number of skins of the fur-seal than all the other firms in the world together; that deponent has made no examination of the books of his firm for the purpose of seeing precisely the number of skins annually dressed and dyed by his said firm and its predecessor, but it is the fact that his said firm in one year dressed 150,000 fur-seal skins, and of that number dyed 130,000, and it is also the fact that until within the last two years his firm dressed upwards of 110,000 or 120,000 skins in each year, and dyed upwards of 100,000 skins so dressed.

That deponent has been in the business of dressing and dyeing fur-seal skins about twenty-two years; that he has personally handled many hundreds of thousands of such skins, and that he has a detailed and specific knowledge of the character of the various sorts of seal-skins and of the markets therefor, and that he has also a general knowledge of the history of the seal-skin business during the whole of that period.

Frederick Mason, being duly sworn, deposes and says: I am 32 years old. Was born in British Columbia, and now reside at New Metlakahtla. Am a hunter by occupation; have hunted fur-seal in canoes since I was a boy. * * * My hunting lodge has always been on Nicholas Bay, and I have hunted in Queen Charlotte Sound, Dixons Entrance, and off Prince of Wales Island.

Henry Mason, having been duly sworn, deposes and says: I am 43 years of age and reside in San Francisco. My occupation is that of a seal hunter. I went sealing on the *Umbrina* in 1891. * * * In 1890 I went sealing in the schooner *Argonaut*.

William Mason, having been duly sworn, deposes and says: I am a seaman by occupation, and I reside in Victoria, British Columbia. I made a sealing cruise in the *Wm. Mason*, p. 465. British schooner *Maybelle*, Capt. Hanson, during the season of 1891, leaving Victoria in the latter part of January. I was a boat puller.

Thorwal Mathasan, being duly sworn, deposes and says: My name is Thorwal Mathasan; my age is 39 years; occupation, seaman; I reside at Victoria, British Columbia. I went sealing in 1891 in the *Oscar and Hat-tie*, * * * as a boat puller. * * * I went sealing again on the 28th of January, 1892, in the same vessel.

Personally appeared before me S. Melavidoff and David Salamatoff, who, being duly sworn, depose and say: We are natives of Alaska, are now and have been for the past twenty years residents of Unalaska. * * * *S. Melavidoff and D. Salamatoff*, p. 209. I, S. Melavidoff, am 53 years of age. I, David Salamatoff, am 67 years of age.

Q. State your age and place of residence.—
A. I am thirty-six years of age; have resided on St. Paul Island, Alaska, for the past twenty-four years.

Q. What is your occupation?—A. I am a sealer; formerly in the employ of the Alaska Commercial Company, and now in the employ of the North American Commercial Company.

Q. Has your occupation been such as to give you an opportunity to notice from year to year the condition of the rookeries and the peculiarities of seal life?—A. Yes; I was chief for about ten years, and during that time had charge of the drives and have always participated in the killing of the seals.

Anton Melovedoff, being duly sworn, deposes and says: I am thirty-eight (38) years of age and I was born on Kadiak Island, Alaska. I came to St. Paul Island in 1864, the first time, and in 1869 the second time. I have resided here since 1869 and I have been constantly employed among the Alaskan fur-seals in all that time. I have had a large and varied experience in all the details of the business as it has been carried on on St. Paul Island, and I have done service in all the depart-

ments from the work of a boy to that of First Chief of the Island. I can read and write the English, Russian, and Aleut languages and I can interpret them into one another. I have read a considerable amount of the controversies on the Seal Question since the seals began to decrease so rapidly on the rookeries and I have observed the rookeries and their daily condition since I became First Chief in 1884, which office I resigned in 1891.

Simeon Melovidov, being duly sworn, deposes and says: I am twenty-five years of age, and I was born at Sitka, Alaska. I came to St. Paul Island in 1857, and resided here ever since. I have a practical knowledge of and am familiar with the fur-seal industry as it is carried on on St. Paul Island. I became an able sealer in 1879, and worked at it ever since, except in the winters, when I was at school. I have driven seals and skinned them and prepared the skins for shipment. I am at present the school teacher on St. Paul Island, and I can read and write English and Russian, as well as the Aleut language.

Robert Michaelsen, being duly sworn, deposes and saith: I reside at the settlement known as Soldovoi, on Cook's Inlet, Alaska, and have lived in the Territory for the past ten years, chiefly at settlements along the coast between Sitka and Cook's Inlet. I am a miner and prospector by occupation, and have never had any experience in sealing. I have become well acquainted with the coast while engaged in my business of prospecting, traveling along it in a canoe, and entering all bays, inlets, streams, etc., between the points above mentioned.

Amos Mill, being duly sworn, deposes and says: I was born in British Columbia; I am about 50 years old, and now reside in New Metlakahtha; have been a hunter all my life; have hunted fur-seal in canoes; my lodge is on Dundas Island, and I hunt off Prince of Wales' Island, in Queen Charlotte's Sound, and Dixon's Entrance.

N. B. Miller, an assistant in the scientific department of the United States Fish-Commission steamer *Albatross*, being duly sworn, deposes and says: I visited the Reef rookery and Northeast Point rookery on St. Paul Island, Pribilofs and the Village rookery of St. George Island, Pribilofs, and took a number of photographs on each. * * *

I have made five cruises in Alaskan waters, viz: In the year 1888, along the coast from Unalaska to Middleton Island; in the year 1889, through the inland passages of southeastern Alaska as far north as Chilkoot Inlet; in the year 1890, through the Bristol Bay region and the Aleutian Islands as far west as Umnak Island; in the year 1891, to the Pribilof Islands in Bering Sea; and in the month of April, 1892, in the Gulf of Alaska from Kadiak Island to Prince William Sound, going into Cook Inlet as far as Coal Harbor.

G. E. Miner, being duly sworn, deposes and says: I am a seal hunter by occupation; have been engaged for the past five years in sealing, always as hunter. * * * Am at present hunter on the schooner *Henry Dennis*.

Metry Monin, Nicoli Noojook, Stephan Toochyk, Alexy Mahagak, Tekan Ivanoff, Alexander Kamlook, Peter Charashook, Stephan Apavelook, Alexy Abakee, Simon Tanapee, Nicoli Kashagak, Tekan Kookew, Pavel Abanyngaw, and Peter Abangac, being duly sworn, depose and say: That we are natives of Alaska, and reside at the settlement of Fort Alexander, Cook's Inlet, Alaska Territory. We are, by occupation, hunters of fur animals, excepting the fur-seal, and have been engaged in this pursuit all our lives, chiefly in this neighborhood.

Q. What is your name, age, residence, and occupation?—A. My name is Frank Moreau; age, 32; residence, San Francisco; occupation, seal hunter.

Q. Are you a citizen of the United States?—A. I am.

Q. What State are you a resident of?—A. Kentucky; I was born there; I am now residing in the State of California.

Q. Have you been engaged in catching seals in the Pacific and Bering Sea, and for how long?—A. For five or six years I have been catching seals.

Eddie Morehead, having been duly sworn, deposes and says, I am 21 years of age; I reside in San Francisco; my occupation is that of a longshoreman. I have been employed on a sealing vessel as a cabin boy and boat-puller. I made one voyage on the *Vanderbilt* in the North Pacific in 1888.

Thomas F. Morgan, being duly sworn says, I am 44 years of age, and reside in the town of Groton, Conn. In 1868 I shipped as second mate of the bark *Peru*, owned by the firm of Williams & Haven, of the city of New London, Conn., which vessel was commanded by my father, Capt. Ebenezer Morgan, and sailed on that bark from Honolulu about the 27th day of February, 1868, for the purpose of catching seals on the islands in Bering Sea, Williams & Haven having for many years been engaged in seal fisheries, and being, so far as I know, the largest firm in the United States engaged in that business. We sailed to the port of Sitka, and there applied to the commander, Gen. Jefferson C. Davis, for permission to land the cargo of the bark on the Pribilof Island and take seals on those islands. At the end of the season I remained on the island of St. Paul, one of the said Pribilof Islands, until August, 1869, as a representative of Williams & Haven's interests in and about the said island. In the last-mentioned year I returned to this country, and at the request of the Alaska Commercial Company, of which Williams & Haven were stockholders, I was employed in the year 1874 to return to the Pribilof Islands as a representative of the said Alaska Commercial Company.

In pursuance of such request I returned to the islands as agent of said last-mentioned company in charge of the island of St. George, which with the islands of St. Paul, Otter, and Walrus, constitute the group known as the Pribilof Islands. I arrived at said island some time in May, 1874; took up my residence there and remained in my capacity of agent in and about that island during each sealing season thereafter until the year 1887. At the expiration of the sealing season of 1887, I returned to the United States, and in 1891 was engaged by the Russian Sealskin Company, of St. Petersburg, as chief agent of that company, to proceed to the islands of Komandorski, consisting of

Copper and Bering Islands, commonly called the Commander Islands, which said company had a lease of the said Commander Islands as well as of the island of Tuleni or Robben, in the Okhotsk Sea, to kill seals and other fur-bearing animals on those islands on the payment of a royalty to the Russian Government. During the years above-mentioned I have superintended the killing of, on the average, 18,000 seals a year; and in the last year of my employment by the Russian SealSkin Company I killed or superintended the killing of 30,000 seals. The skinning, curing of skins, packing of skins, and shipping of the skins from the islands of all the seals the killing of which I superintended has been under my immediate supervision, and a considerable part of the work thereof has been done by me personally.

That during my employment on said Pribilof Islands I carefully studied the habits of the fur-seal and the statements hereafter made as to the habits of said animals are based on my own observation and also from the fact that these statements have been corroborated by natives and residents on said islands, whom I know to be familiar with every phase of seal life.

John Morris, being duly sworn, deposes and says: My age is 34 years, my occupation seaman, and my residence

John Morris, p. 340. is Victoria, British Columbia. I have had six years' experience in sealing, both in the North

Pacific and the Bering Sea. In February, 1882, I went sealing from Victoria, British Columbia, in the schooner *Onward*. * * * I shipped as mate. * * * About the last of April, 1883, I sailed from Victoria on a sealing voyage in the *Onward*. * * * About the 1st of January [1884] I sailed as master of the *Alfred Adams* on a sealing voyage. * * * In February, 1885, I sailed from Victoria, British Columbia, on the schooner *Seventy-six*. * * * In the month of February, 1887, I sailed from Victoria, British Columbia, in the schooner *Black Diamond*.

Matthew Morris, being duly sworn, deposes and says: I was born at Kasan and am 22 years old. Am a hunter by oc-

Matthew Morris, p. 286. cupation and have hunted fur-seal in canoes off Prince of Wales Island.

John M. Morton, having been duly sworn, deposes and says: I am United States shipping commissioner at San Francisco. The Alaska

Jno. M. Morton, p. 66. Commercial Company obtained the lease of the seal islands in 1870. In the fall of that year I went to Alaska on the steamer *Constantine* as an

agent of said company, arriving at St. Paul Island in October, where I remained until the close of the sealing season in the following year. During the summer of 1872, I visited all of the trading posts of the company, both on the mainland of Alaska and the various islands, thus spending the entire summer in Bering Sea. This trip was extended to Copper and Bering islands, belonging to the Russians, and of which members of the Alaska Commercial Company had control at that time, and to the Petropaulovski in Kamchatka. In the course of our voyage in 1872, we touched twice at the seal islands of Alaska, spending there all together, perhaps, a week or ten days. During our stay at St. Paul this year, I visited (in July) most of the rookeries and hauling grounds of the fur-seals.

The summer of 1873 I spent on St. George, and while there my busi-

ness called me frequently to the various portions of the island where the seals were accustomed to congregate. I did not go to Alaska in 1873, but in 1875 and again in 1876 I went north, spending both seasons on St. Paul Island. I resigned my position with the Alaska Commercial Company in the fall of 1876, but in the spring of 1877 I was appointed to the position of Treasury agent at the seal islands (in charge), and entered upon the discharge of my official duties in May of that year. During my residence on the island, which, so far as the sealing seasons were concerned, practically covered a period of eight years (from 1870 to 1878 inclusive), I obtained a full knowledge of the sealing business in its various branches, and became familiar with all of the ground occupied by the fur seals.

I was at all times greatly interested in observing the movements and habits of these animals and scarcely a day passed that I did not visit one or more of the rookeries. During the seasons of 1877 and 1878, while serving in the capacity of special Treasury agent, I devoted my best attention and study to this subject.

Moses, being duly sworn, deposes and says: I am a native Nitnat Indian, and reside at Pachenah Bay on Vancouver Island, at Vancouver, British Columbia. I am *Moses, p. 309.*

50 years old, and am by occupation a hunter and fisherman, and have been so engaged for about thirty years. I have sealed out from Neah Bay in the sealing schooner *C. C. Perkins* (that was last year), and this year I am sealing on the schooner *James G. Scan*. Formerly I sealed out of Pachenah Bay with my tribe in canoes. We used to seal in the straits of San Juan de Fuca, and all along the coast from the Columbia River to the upper end of Vancouver Island. I am familiar with all the bays and inlets on the west coast of Vancouver Island.

Morris Moss, being duly sworn, deposes and says: I have resided in British Columbia thirty years. Since 1880 have made my home in Victoria, British Columbia. *Morris Moss, p. 341.* My occupation is that of purchasing raw furs. Of late years raw fur-seal skins have been the principal furs handled by me. I have bought from 10,000 to 20,000 per year, and am vice-president of the Sealers' Association of Victoria, British Columbia.

Jacob H. Moulton, of Bowdoinham, Me., being duly sworn, deposes and says: I am 56 years of age, and my occupation is farming. From 1877 to 1885 I was first *J. H. Moulton, p. 71.* assistant Treasury agent on the seal islands. I arrived on St. George Island May 21, 1877, and left the islands in the fall of 1884. I spent four summers on St. George Island, and one winter, from 1877 to 1881, and four summers and four winters on St. Paul Island, from 1881 to 1884. Each season I made careful examination of the rookeries on the island where I then was located, in connection with my official duties, and I also made some study of the life and habits of the seal.

I, Peter C. Muller, a resident of Afognak, being duly sworn, depose and say: That I have been in Alaska eight years. My occupation is hunter. I am captain of a *P. C. Muller, p. 223.* hunting schooner.

Joseph Murray, being duly sworn, deposes and says: I reside at Fort Collins, Colo.; I am 49 years of age, and I am the first assistant special agent at the seal islands in Bering Sea. That in pursuance of Department instructions to me, dated April 20, 1889, I proceeded to the seal islands and landed on St. George Island May 31, 1889. That I had charge of that island until July 1, 1890, and I was present during the whole of two sealing seasons on the island of St. George.

Billy Nah-hoo, being duly sworn, deposes and says: I am about 35 years old. Was born at and reside at Killisnoo all my life. Am by occupation a herring fisherman and oil-maker, which oil I sell to other tribes of Indians. I have visited all the islands between here and Sitka, and in other parts of the Sound.

Nashtou, being duly sworn, deposes and says: I was born at Kas-aan; am 60 years old; and have been a hunter all my life; have hunted fur-seal outside of Prince of Wales Island and in Dixons Entrance during the month of May every year for a long time.

Smith Natch, being duly sworn, deposes and says: I was born at Kas-aan and have lived there all my life, and am now a very old man, about 80 years old. Have been a hunter all my life. Have hunted fur-seal every season for a great many years in Dixons Entrance.

Dan Nathlan, being duly sworn, deposes and says: I was born on Queen Charlottes Island. Am 25 years old and now reside at Howkan. Am a hunter by occupation. Have hunted fur-seal since I was a boy. This is the first year I ever hunted on a schooner; am now on the schooner *Adventure*.

Nechantake, being duly sworn, deposes and says: I was born in Yakutat and have lived there all my life. I belong to the Yakutat tribe of Indians, and am a very old man. Am by occupation a hunter.

Joseph Neishkaitk, being duly sworn, deposes and says: I was born in British Columbia; am 60 years old, and now reside at New Melakahla; am a hunter by occupation; have hunted fur-seal; hunt in Dixons Entrance and Queen Charlotte Sound.

Niles Nelson, being duly sworn, deposes and says: I am by occupation a seal hunter, and part owner of the schooner *Annie*. My residence is in San Francisco. I was engaged in hunting seals during the years 1885 and 1886 in the North Pacific and Bering Sea.

S. R. Nettleton, being first duly sworn, deposes as follows: My place of residence since May, 1891, has been Seattle, Washington. For a period of nineteen years prior to that date I was a resident of the State of

Minnesota. My occupation was that of a real estate and investment broker. In the autumn of 1889 I went to the island of St. Paul, one of the Pribilof group, as a special agent of the Treasury Department. In August, 1890, I returned to the States and stayed until the spring of 1891, when I returned to said island of St. Paul. I remained there during the months of June and July of that year, and was then transferred to the island of St. George, where I remained until June, 1892.

In discharge of my duties as Treasury agent I made such observations as could be taken from the breeding rookeries and hauling grounds on the islands, and in the waters immediately adjacent thereto, and which enable me to make the following statement of facts; and from personal observation as well as information received from the native inhabitants of said islands, and white men resident thereon, I have formed the opinions herein expressed based upon information and belief.

Arthur Newman, a citizen of the United States of America, 51 years of age, being duly sworn, deposes and says: I have lived in the Aleutian Islands the greater part of the time since 1869. For eight years I was agent of the Alaska Commercial Company at Chernofsky, and for ten years I acted in the same capacity at Umnak; for three years I was an officer of a supply tender making trips between San Francisco and Unalaska. I have made four trips to the westward as far as Attu at different seasons of the year.

Gustave Niebaum, having been duly sworn, deposes and says: I am 50 years old, a resident of San Francisco, and a merchant and shipowner. I was born in Helsingfors, Finland, and became an American citizen by the transfer of Alaska to the United States. I entered the service of the Russian American Commercial Company in 1858, and was in command of one of their vessels from 1866 until the cession of Alaska to the United States. I am, and have been for several years past, vice-president and a director of the Alaska Commercial Company, and a member of the firm of Hutchinson, Kohl & Co., the former lessees, respectively, of the Alaska and Siberian sealeries.

In these various positions the care and management of seal rookeries and system and methods of killing seals and curing and transporting their skins to market has been my study. I visited the Pribilof Islands in 1867 and had charge of seal killing there in 1868 and 1869. * * *

I have no interest whatever in the sealeries or the seal-skin trade. * * * Gustave Niebaum, p. 79.
I was formerly a resident of that Territory. * * *

I was from 1880 until 1881 vice-consul of Russia at the port of San Francisco. * * *

I was instrumental in Russia in obtaining the lease for the last-named company and had familiarized myself with the sealeries upon these islands in this connection.

L. A. Noyes, being duly sworn, deposes and says: I am a native American, and my home is in Randolph, Vt. I am 52 years of age, and a physician by profession. L. A. Noyes, p. 79.

In 1880 I entered the service of the lessees of the Pribilof Islands as resident physician at the seal islands, and have resided here continuously ever since, excepting an occasional visit to my home, for a few months in winter, once or twice since 1880.

From June, 1880, to August, 1883, I was on St. George Island, and from 1883 to 1884 I was on St. Paul Island. I then returned to St. George, where I have resided ever since, excepting the vacation aforesaid.

I have given much time to the study of the Alaskan fur-seal and its peculiar habits, and I have watched with care and solicitude the increase and the decline in numbers of the animals on the hauling grounds and rookeries, and also the methods followed by the lessees in taking the skins—the driving and killing of the young males of from two to five years old, and the salting, curing, bundling, and shipping of the skins. I have likewise carefully observed and noted the coming of the seals in the spring, the hauling out at different times of the various ages and sexes, their disposition on the hauling grounds and rookeries, the formation of the “harem” or family, the birth of the pups, the migrations of the mother seals to feed, the breaking up of the harems, the scattering of the cows, and the general intermingling of the sexes in September, and finally the departure of the herd from the islands in November or later.

I have read most of all that has been written within the past quarter century on the fur-seal question; and I have listened to and taken part in many of the controversies indulged in by my associates and friends—men who have spent many years in the fur-seal industry and whose practical experience with all its details gives weight and value to their assertions. It was I who, at the request of the United States Treasury agent in charge of the islands, measured all the rookeries and hauling grounds on St. George Island in 1887,¹ and I have kept the record of the climatic changes on St. George since the United States Government discontinued the meteorological station at the Pribilof Islands.

In addition to my services as physician, I have occasionally taught the school on St. George, and I have kept the books and accounts for many years for the lessees on the same island. I am thoroughly conversant with the orders issued by the general and local agents of the lessees to the native chiefs in regard to everything appertaining to the business of taking the annual “catch” and the care of the seals. I have been intimately acquainted with the Treasury agents who have had charge of the islands since 1880, and I acted as assistant agent myself during the temporary absence of the assistant special agent. I am quite familiar with the general and special orders and instructions issued from the Treasury Department from time to time to the special agents for the government of the natives and care of the rookeries and seal herd. And I know those laws, rules, and regulations have been faithfully adhered to and fully enforced, published reports of transient visitors to the contrary notwithstanding.

Ntkla-ah, being duly sworn, deposes and says: I was born at Howkan.

Ntkla-ah, p. 288. Am very old; about 60 years old. I have been a hunter all my life. Have hunted fur-seal every season since I was old enough, in a canoe.

¹The measurements were made very imperfectly, and I never claimed anything but an approximate measurement. It was my opinion that the numbers were exaggerated, and I so stated at the time.—L. A. N.

John O'Brien, having been duly sworn, deposes and says: I am 40 years of age; I reside in San Francisco; I am by occupation a longshoreman; I made a sealing *John O'Brien, p. 470.* voyage to the North Pacific and Bering Sea on the *Alexander*, which sailed from Victoria in the latter part of January, 1885. I was a boat-puller.

Nelson T. Oliver, being duly sworn, deposes and says: I am a native of New Bedford, Mass., and I am 58 years old. I am a resident of Port Townsend, where I have *Nelson T. Oliver, p. 372.* lived for the past twenty years. I followed sea-faring life from the time I was 15 years old until 1888. I accompanied Capt. Jacobs on board the *Mollie Adams*, sealing schooner, in February, 1888.

John Olsen, having been duly sworn, deposes and says: I reside in Seattle, Washington. My occupation is ship carpenter. I helped to build the schooner *Labrador*, *John Olsen, p. 471.* in 1890, at Vancouver, and went sealing in her in 1891. Captain Whiteleigh was commander.

Peter Olson, being duly sworn, deposes and says: I was born at Howkan, and have lived at Kasan since I was a boy. Have been a hunter all my life. Have never *Peter Olson, p. 288.* hunted fur-seal; always hunted on the land; a great many of our people hunt fur-seal along the coast of Prince of Wales Islands and out in Dixons Entrance.

Oponyak, being first duly sworn, deposes and says that he is 65 years old. Is a native and resident of Aguis. Certifies the evidence given by *Oponyak, p. 308.* Dick or Ehenchesut to be true.

Osly, being duly sworn, deposes and says: I am a native Makah Indian, and reside on the Indian reservation at Neah Bay, in Clallam County, State of Washington, United States of America. I am about 28 years old, and am a fisherman and hunter by occupation. I have been engaged at seal-hunting along the coast for the last ten years. At first I hunted in large canoes, but soon commenced to go hunting in schooners. I have sealed all along the coast, from the mouth of the Columbia River to the passes leading into the Bering Sea. * * * About six years ago I went to Bering Sea as a hunter on the sealing schooner *Favorite*. * * * About four years ago I went to Bering Sea as a hunter in the sealing schooner *Challenger*. * * * In 1889 I again went to the sea in the schooner *James G. Swan*.

Harrison Gray Otis, being duly sworn, says: I am a resident of this the city of Los Angeles, Cal.; am president of the Times-Mirror Company, and editor and manager of the Los Angeles Daily Times. I was special agent of the Treasury Department, in charge of the fur-seal islands of Alaska during the years 1879, 1880, and 1881, and had three assistant special agents stationed at the islands, acting under my directions. During these years I was present at the islands throughout each seal-

ing season, having my headquarters on the island of St. Paul, and visiting the smaller island of St. George each season, and with my assistants personally superintended the catch of seals and the count and shipment of skins in every instance. During every sealing season, from the beginning to the end, I made it my special business to personally visit and inspect the breeding rookeries and the hauling grounds from time to time with a view to informing myself accurately as to their real condition, especially as to numbers, habits, and habitat.

Will Parker, being duly sworn, deposes and says: My age is 40 years, residence and citizen of Victoria, British Columbia; occupation, hunter. *Will Parker, p. 342.* I went sealing in 1890 in the *Walter Rich.* * * * In 1889 I sailed as hunter in the British steamer *Ariel.* * * * In 1888 I sailed as hunter and interpreter in the British schooner *Alfred Adams.* * * * In 1887 I sailed from Victoria as hunter and interpreter in the British schooner *Ada.* * * * In 1884 and 1883 I sailed as cook on the British schooner *Thornton.* * * * In 1882 and 1881 I sailed as cook in the British schooner *Onward.*

Wilson Parker, being duly sworn, deposes and says: I am a native Makah Indian and live on the reservation at Neah Bay, State of Washington, United States of America, and am by occupation a hunter and fisherman. I have been engaged in seal-hunting for about eighteen years; the first eight or ten years I used to go as a steerer-man in large canoes, three men in a canoe, and the Indians in the canoe used spears. We hunted 10 or 15 miles offshore and about the same distance north and south of Cape Flattery.

Charles Peterson, being duly sworn, deposes and says: I am 36 years old and am by occupation a seafaring man; *Charles Peterson, p. 345.* my residence is Victoria, British Columbia. In April, 1886, I went seal-hunting from Victoria in the schooner *Mountain Chief.* * * * In the spring of 1887 I went on a sealing voyage from Victoria, as a boat-puller, in the schooner *Alfred Adams.* * * * In April, 1890, I went sealing in the *Minnie.* * * * In January, 1891, I left Victoria on a sealing voyage in the schooner *Minnie.*

Chestoqua Peterson, being duly sworn, deposes and says: I am 24. years of age, and am the son of Peter Brown, the *Chestoqua Peterson, p. 392.* chief of the Makah Indians. I reside at Neah Bay, Clallam County, State of Washington, United States of America. I am by occupation a clerk in the trader's store here, and I speak the English language well, and can interpret the Chinook and Indian languages. During the last eight years I have been engaged in buying and handling seal furs for my employer at Neah Bay.

John J. Phelan, being duly sworn, says: I am 35 years of age, a citizen of the United States and a resident of Albany, *John J. Phelan, p. 518.* in the State of New York. At the age of 11 I entered the service of Mr. George C. Treadwell, a wholesale furrier of Albany. I remained with him until the time of his death, and have since been in the employ of his son, Mr. George H.

Treadwell, who has succeeded to the business carried on by his father. It has always been a part of my occupation, beginning with the age of 11, to handle fur-seal skins, and during the last twenty years I have handled nearly every seal-skin that came into the factory. I have for many years been in the habit of putting them through every process connected with their preparation for manufacture, except that of dyeing, with which I am not familiar. I have removed the flesh and blubber; I have washed the skins; removed the hair or "picked" them, shaved them, and dressed them; and in this way I have constantly gone over and closely observed every part of their surfaces in all stages or processes through which they pass before they go to the dyer.

Personally appeared before me, Thos. N. Molloy, consul of the United States of America for Newfoundland, Richard Pike, master mariner of St. Johns aforesaid, who being duly sworn before me, upon his oath says: I am a master mariner. *I* *Richard Pike, p. 592.* have been engaged in the prosecution of the seal fishery on the coasts of Labrador and Newfoundland for forty-four years, twenty years of which I have been master of a steamer.

Mr. Henry Poland, being duly sworn, doth depose and say: That he is 40 years of age and a subject of Her Britannic Majesty; that he is the head of the firm of P. R. Poland & Son doing business at 110 Queen Victoria street, in the city of London, and has been engaged in that business twenty-one years; that the said firm of P. R. Poland & Son are doing business as fur and skin merchants, and have been engaged in that business for over one hundred years, having been founded by deponent's

great-grandfather in the year 1785, and having been continued without interruption since that date from father to son; that for many years last past deponent's said firm have been in the habit of buying large numbers of fur-seal skins, in fact ever since skins of that character have become an article of commerce, both on their own account and on commission for other persons resident in the United States and Canada and elsewhere; that by reason of having purchased so many skins deponent has a general and substantial knowledge of the history of the fur-seal skin business, and of the character and kinds of fur-seal skins coming upon the London market.

Edwin P. Porter, being duly sworn, deposes and says: My age is 25 years; residence, Victoria, British Columbia; occupation, seaman and seal-hunter. I went out *Edwin P. Porter p. 346.* sealing as boat-steerer on the British schooner *Penelope.* * * * I think it was in the year 1888. * * * In 1889 I went as boat-steerer on the British schooner *Ariel.* * * * In 1891, I sailed as boat-steerer in the British schooner *Umbrina.* * * * This year [1892] I went as boat-steerer in the British steamer *Thistle.*

Charles W. Price, having been duly sworn, deposes and says: I am 34 years of age and reside in San Francisco. My occupation is that of a fur-dresser and examiner *Chas. W. Price, p. 521.* of raw fur skins. I have been engaged in the dressing and examining of fur skins about twenty-years, and I am an expert in that business. I have examined and handled large numbers of fur-seal skins, both of the American and Russian side, and can easily distinguish one from the other from the appearance of the skins.

Elijah Prokopief, a native of Amchitka Island of the Aleutian Chain, 52 years of age, being duly sworn, deposes and *Elijah Prokopief, p. 215.* says: Am a hunter of the sea-otter and blue fox, and have lived in this vicinity all my life. I hunt about Attu, Aagattu, and the Semichi Islands. Have never hunted nor killed a fur-seal.

Filaret Prokopief, a native of Attu Island, Alaska, 23 years of age, being duly sworn, deposes and says: I am the *Filaret Prokopief, p. 216.* agent and storekeeper at this place for the Alaska Commercial Company, which position I have held for the last two years. My occupation is that of a hunter, principally for the sea-otter and fox; never for the fur-seal. I used to hunt, before I was made agent, about the Attu, Agattu, and the Semichi Islands.

J. C. Redpath, being duly sworn, deposes and says: I am an American citizen, a native of Connecticut, and I am *J. C. Redpath, p. 147.* forty-eight (48) years of age. At present I am a resident of St. Paul Island, Alaska. I have resided on the seal Islands of St. George and St. Paul since my first coming to Alaska in 1875. My present occupation is that of local agent on St. Paul Island for the present lessees, the North American Commercial Company. I have a practical knowledge of and am thoroughly conversant with the habits and conditions of the fur-seal as it exists on the Pribilof Islands of St. George and St. Paul, and also of the methods adopted and practiced in the taking of the skins, and of the several efforts made by the former and present lessees, as experience taught them, to increase the herd and to build up the rookeries and to perpetuate seal life. I have had a personal experience of seventeen seasons on the killing grounds in different situations from that of seal-clubber to foreman, several years of which I have been resident local agent. My position as local agent has led me to make a careful study of the seal question, and it is my duty to report from time to time, to the general agent of the lessees the result of my observations.

Charles W. Reed, having been duly sworn, deposes and says: I am 53 years old, and am an American citizen, resident of San Francisco, and by occupation a shipmaster and pilot, and a member of the San Fran-

cisco Pilot Association. Between the years 1872 and 1880 I made four voyages, as master of a schooner and in charge of expeditions engaged in the sealing industry, to the Galapagos Islands. * * * In the first voyage I remained upon the islands about seven months, and at subsequent times from three to five months at each voyage, covering different seasons of the year. I have thus seen and carefully observed the seals resorting to these islands at all times of the year.

Personally appeared before me Paul Repin, who, being duly sworn, deposes and says: I am 57 years of age; was born *Paul Repin, p. 207.* in Unalaska, where I have lived all my life; and am a native of Alaska. For many years I was a sea-otter and seal hunter, and for eight years in my younger days I made trips with the priest to Unga and other villages in the vicinity. I have heard the statement made by Ruth Burdukofski, and from my knowledge of the facts know the same to be true.

Léon Révillon, being duly sworn, doth depose and say as follows: That he is 49 years of age and a citizen of the French Republic, and lives in the city of Paris, *Léon Révillon*, p. 589. and carries on business at No. 79 Rue de Rivoli, in the said city, and is a member of the firm of Révillon Frères, which firm is composed of Theodore Révillon, Léon Révillon, and Anatole Révillon.

That the said firm of Révillon Frères is engaged in the business of buying, dyeing, and selling seal-skins; that they have been engaged in the said business for upward of twenty years, and the said deponent has been in the habit of purchasing fur-seal skins during the whole of that time; that he has personally handled many thousands of said fur-seal skins, and that he has a general and detailed knowledge of the history of the business of dealing in fur-seal skins in the city of Paris, and the character and difference which distinguish the several kinds of skins which come on the market.

That said firm of Révillon Frères has bought during the last twenty years upwards of 400,000 seal-skins.

George Rice, being duly sworn, doth depose and say: That he is 50 years of age, and a subject of Her Britannic Majesty. That he is engaged in the business of dressing and dyeing furs of various kinds in the city of London, at 32, 33, and 40 Great Prescott Street, in the said city, and at Stratford, which is a suburb of London. That he has been engaged in the fur business, and principally in the business of handling fur-seal skins, for twenty-seven years last past. That eleven years ago he established his present business of dressing and dyeing furs. That during the eleven years since the establishment of his present business he has handled and dyed large quantities of fur-seal skins, and has during those years and prior thereto personally handled hundreds of thousands of fur-seal skins, and that in the year 1891 he dyed upwards of 90,000 fur-seal skins. That by reason of his experience in his business he has a general and detailed knowledge of the different kinds of fur-seal skins and of the differences which distinguish them, as well as the history, character, and manner of conducting the fur-seal skin business in the city of London.

Kesth Riley, being duly sworn, deposes and says: I am 40 years old; born and reside at Killisnoo. Am now working for the white men in summer and catching herring for making oil in the winter. Sell the oil to the other tribes of Indians. I have visited the different islands in the sound. [Chatham.]

W. Roberts, being duly sworn, deposes and says: I reside at Yakutat Bay, Alaska, and I am by occupation a mariner. I have been engaged in the business of catching seals in the North Pacific Ocean and Bering Sea for four years, three years as sailor, one year as captain, two years off the coast of British Columbia, two years off Southeast Alaska and Bering Sea.

William Rohde, being duly sworn, deposes and says: I am a resident of St. Paul, Kodiak, Alaska, and am captain of a hunting and trading schooner. I have resided in Alaska six years, and in all that time followed

the calling of a hunter. * * * I never hunted fur-seals, but I have a knowledge of their habits and movements.

Rondtus, being duly sworn, deposes and says: I was born at Yakutat, and belong to the Yakutat tribe of Indians.

Rondtus, p. 242

Am about 28 years old and a hunter by occupation. I have hunted fur-seal, otter, and bear.

Abel Ryan, being duly sworn, deposes and says:

Abel Ryan, p. 299.

I am 22 years old. Was born in British Columbia and reside on Dundas Island. I have hunted fur-seal every season since I was a boy, between March and June. Always hunted in Dixons Entrance and off Prince of Wales Island.

Thomas F. Ryan, being duly sworn, deposes and says: I am a resident of Indianapolis, Indiana, and am 51 years

Thomas F. Ryan, p. 174. old. During the years 1885 and 1886 I was assistant Treasury agent, residing on St. George

Island, one of the Pribilof Islands. I arrived there about the 1st of May, 1885, and remained there until August 9, 1886. In order to perform my duty as agent I made a careful study of seal life on the island, and examined as far as I was able into the habits of the fur-seal.

S. W. Saalburg, being duly sworn, deposes and says: The following statistics relative to the number of salted North-

S. W. Saalburg, p. 521. west Coast seal-skins purchased by the firm of H. Liebes & Co., of San Francisco, Cal., and prices

paid therefor, have been gathered by me from the books and records of said firm, covering a period from the year 1883 to 1892, inclusive. I held the position of chief bookkeeper and cashier for H. Liebes & Co. during said period of time, and know of my own personal knowledge that the number of skins set forth below were duly purchased by said firm at the average prices stated, and that payment therefor is regularly entered on the firm's cashbooks of the respective years.

Saisun, being first duly sworn, deposes and says that he is 60 years

of age; a native and resident of Aguis; quit seal-hunting four years ago. Last hunted in small

Saisun, p. 307. schooner *Pictou* or *Victor*, William Gilbert, alias

Billy the Butch, being in command. He spent two months outside in schooner with eight canoes and sixteen men. Obtained 200 skins. All were caught off Cape Flattery and Barclay Sound, about 40 miles off the shore. Certifies evidence given by Dick or Ebenechesut to be true.

Adolphus Sayers, having been duly sworn, deposes and says: I am a seaman. I reside in San Francisco. I was engaged in sealing in the Bering Sea and North *Adolphus Sayers, p. 473.* Pacific, in the *City of San Diego* and the *Adeline*, in the years 1887 and 1888. I was master of the *Adeline*. * * * I was a boat-puller when I was on the *City of San Diego*.

C. M. Scammon, having been duly sworn, deposes and says: I am 67

years old and a resident of Oakland, Cal. I am

C. M. Scammon, p. 473. and have been an officer in the United States Revenue Marine Corps since 1863. In 1865 and

1866 I was in command of the Western Union Telegraph Company's

fleet of vessels when it was expected to establish a telegraph line to Europe via Bering Straits. In this capacity and later as commander of vessels under the United States revenue-cutter flag, I repeatedly passed through Bering Sea, touching at the seal islands. I am the author of the work entitled "The Marine Mammals of the Northwestern Coast of North America," published by J. H. Carmany & Co., San Francisco, 1874. In preparing Chapter IV of part 2 of that work, relative to fur-seals, I consulted every accessible authority upon that subject and added the result of my own observation and experience. Since then eighteen years have elapsed and many new facts have been brought to light concerning them, confirming for the most part what was then written, yet modifying to some extent the conclusions arrived at.

Schkatatin, being duly sworn, deposes and says: I was born in Yakutat and I have lived there all my life. I belong to the Yakutat tribe of Indians and am now *Schkatatin, p. 243.* a very old man; am by occupation a hunter. Yes; I have killed fur-seal. I used the bow and arrow for killing them. * * * I have traveled from Icy Bay to Nuchuk and back along the coast as far east as Lityu Bay.

Benjamin F. Scribner, being duly sworn, deposes and says: I am 66 years of age, and a pharmacist by profession. My residence is New Albany, Ind. In July, 1878, I *B. F. Scribner, p. 89.* was appointed assistant Treasury agent for the seal islands, and arrived on said islands in May, 1879. I landed at St. George Island and remained there continuously until August, 1880, except a part of the season of 1880 I spent on St. Paul Island. During this time I made a careful study of seal life in connection with my official duties, and also for my own satisfaction.

L. G. Shepard, being duly sworn, deposes and says: I am 45 years of age; a resident of Washington, D. C., and am captain in the U. S. Revenue Marine Service, chief *L. G. Shepard, p. 187.* of division Revenue Marine, Treasury Department. In command of the revenue steamer *Rush*, I made three cruises to Bering Sea in the years 1887, 1888, and 1889, for the purpose of enforcing existing law for protection of seal life in Alaska and the waters thereof, and also to protect other Government interests in Alaska.

William Short, being duly sworn, deposes and says: I am 26 years old and reside at Victoria, British Columbia, and am by occupation a painter. On January 14, *William Short, p. 348.* 1890, I sailed as a boat-puller, from Victoria, B. C., on the British sealing schooner *Maggie Mae.* * * * In July, 1891, I sailed out of the port of Victoria, B. C., as a hunter on the British sealing schooner *Otto.*

Showoosch, being duly sworn, deposes and says: I was born at Sitka; am a very old man, and I belong to the Yakutat tribe of Indians; have been a hunter *Showoosch, p. 243.* all my life, hunting sea-otter and seal in the summer and bear and fox in the winter. When I was a young man I killed fur-seal off Yakutat Bay, using a spear altogether. I haven't killed any seal lately.

George Shuckeyah, being duly sworn, deposes and says: I am a cousin of the head chief of the Chilcat Indians.
George Shuckeyah, p. 248. Am 30 years old. I go up and down the coast from Chilcat to Wrangel and meet many people belonging to the different tribes of Indians.

Shucklean, being duly sworn, deposes and says: Was born and have lived at Killisnoo all my life. Am 60 years of age.
Shucklean, p. 253. I was a doctor most of my life, but have given it up, and I now catch herring and make oil. The oil I sell to the people of other tribes, who come a long ways to purchase it from me. Have been down to Sitka, and on all islands and inlets around Chatham Sound.

Jack Shucky, being duly sworn, deposes and says: Was born in Shakan; am a hunter by occupation; have hunted seal in summer time and bear in winter since I was a boy; have always hunted seal off Prince of Wales Islands in my canoe.
Jack Shucky, p. 259.

Alexander Shyha, being duly sworn, deposes and saith: I am chief of the native settlement at Fort Alexander, Cooks Inlet, Alaska Territory, and am by occupation a hunter of all fur-bearing animals found in this vicinity excepting the fur-seal. I am a native of Alaska, and have resided all my life in the Territory. My occupation as a hunter has taken me along the coast and to the sea a distance of from 20 to 30 miles from the coast.
Alexander Shyha, p. 226.

Peter Simes, having been duly sworn, deposes and says: I reside in San Francisco. My occupation is that of steward.

Peter Simes, p. 476. I made one sealing voyage in 1890 on the British schooner *Umbrina*, of which Capt. Campbell was master.

Aaron Simson, being duly sworn, deposes and says: I reside at Wrangel and am 22 years. I have hunted seal some off Queen Charlottes Island.
Aaron Simson, p. 290.

Martin Singay, being duly sworn, deposes and says: Am about 58 years old. Born at and reside in Sitka and am by occupation a hunter. Have hunted seal every summer and deer every winter since I was a small boy. Have never been in Bering Sea. Have hunted seal off Sitka Sound.
Martin Singay, p. 268.

Jack Sitka, being duly sworn, deposes and says: Am 56 years old. Was born and reside in Sitka. Am a hunter by occupation. Have hunted seal every season since I was a boy.
Jack Sitka, p. 268.

Skeenong, being duly sworn, deposes and says: I was born at Copper River. I am an old man and belong to the Yakutat tribe of Indians, but have lived here but one year. I hunt the sea-otter and land game in seasons.
Skeenong, p. 244.

Frederick Skibby, being duly sworn, deposes and saith: I reside at Coal Point, Kachemak Bay, Cooks Inlet, Alaska, and have lived in the Territory for the past seven *Frederick Skibby*, p. 228. months, exclusively at this place. I am a coal-miner by occupation, and have no knowledge of fur-seal life.

Thomas Skowl, being duly sworn, deposes and says: I am chief of the Kas-aan Indians. Was born at Kasaan, and have lived there all my life. Am 48 years old. *Thomas Skowl*, p. 300. Am a hunter by occupation, and have hunted fur-seal the past fifteen years. Always hunted seal in Dixons Entrance and off Prince of Wales Island, and hunted them each year from March to June.

George Skultka, being duly sworn, deposes and says: I was born at Howkan, and have lived there all my life. I am chief of the Hyda Indians; am about 50 years old. *George Skulika*, p. 290. Am a hunter by occupation. Have hunted fur-seal since I was about 20 years old.

Yuan Slanoch, being duly sworn, deposes and says: Am 35 years old; born and have lived in Killisnoo all my life. My business is that of catching herring and making oil, and chopping wood. I sell the oil to people of other tribes. When following my occupation I visit all the islands and inlets of Chatham Sound, and have never seen or taken a fur-seal in my life. *Yuan Slanoch*, p. 269.

James Sloan, having been duly sworn, deposes and says: I reside in San Francisco. I am by occupation a seaman. I made three voyages to Bering Sea. My first *Jas. Sloan*, p. 477. voyage was on the *Flying Mist*, of which Capt. Saddler was master; my next was on the *Penelope*, of which Capt. Littlejohn was master, and my next was in the schooner *Arctic*, of which Capt. Brassey was master. We sailed from here on the *Flying Mist* on the 17th day of April, 1871. * * * On my next trip, in 1884, I sailed from Yokohama, Japan, on the *Penelope*, leaving there about March, * * * going to the Okhotsk Sea, sealing there about a month. * * * My third voyage was in 1889. I sailed from Yokohama on the *Arctic* about the latter part of January. * * * We went to the Okhotsk Sea and sealed there about two months.

Leon Sloss, having been duly sworn, deposes and says: I am 33 years of age, a native of California, and a resident of San Francisco, Cal. I was for several years a *Leon Sloss*, p. 90. director of the Alaska Commercial Company, and am a member of the partnership of Louis Sloss & Co., and have been engaged for the past fifteen years in dealing in wools, hides, and fur skins, but have now no interest in seals or sealeries.

I was superintendent *pro tempore* of the sealeries of Alaska in the interim from 1882 to 1885, inclusive, during the illness of H. H. McIntyre, the regular superintendent, and spent the sealing season of those three years on the Pribilof Islands in the personal management of the business. I am, therefore, by reason of this service and of my active employment at all other times in the office of the Alaska Commercial Company from 1877 to this date, acquainted with every aspect of the

business. All advices from our London agents, and information in regard to the seal-skin market from all sources, passed through my hands, and instructions to the agents of the company in regard to the class of skins desired emanated from time to time from me.

Fred Smith, being duly sworn, deposes and says: Was born at and reside at Victoria. Have been a seal-hunter for the last three years on the *Winifred*, *Sea Lion*, and *Mascot*, British schooners, and the American schooner *Challenge*. Have hunted seal in Bering Sea and the Pacific Ocean.

John W. Smith, being duly sworn, deposes and says: I reside at the settlement known as Soldovoi, on Cooks Inlet, Alaska. I have lived in the Territory for the past twenty-four years, chiefly at trading posts along the coast of Alaska, between Prince William Sound and the Yukon River, in the employ of fur-trading companies. I am at present the agent of the North American Commercial Company at this place, and it is my duty to trade in, and otherwise handle, furs and skins of all descriptions.

William H. Smith, being duly sworn, deposes and says: I am by occupation a seaman and seal-hunter. Have been engaged in catching seals in the North Pacific Ocean for fourteen years and one season in Bering Sea. Have been mate and captain while sealing.

E. W. Soron, having been duly sworn, deposes and says: I am by occupation a seaman. I reside in San Francisco. *E. W. Soron*, p. 479. I was in the North Pacific in 1888, on board the *City of San Diego*, as mate.

Stahkan, being duly sworn, deposes and says: I was born at Yakutat and am now a very old man. Have hunted seal and sea-otter all my life during the summer season, using the spear and arrow.

Emil J. Stake, being duly sworn, says: I am 28 years of age, a citizen of the United States, and a resident of the city of New York. In 1851 John Ruszits established in the city of New York a large wholesale fur business, at the head of which he remained until his death in 1890. * * * I entered the employ of John Ruszits at the age of 14. Since the age of 21 I have been familiar with every transaction connected with the business, and upon his death I succeeded to its sole management.

William Charles Blatspiel Stamp, being duly sworn, doth depose and say: That he is 51 years of age, and a subject of Her Britannic Majesty, and is engaged in business at 38 Knighttrider street, London, E. C., as a fur and skin merchant. *W. C. B. Stamp*, p. 574. That he has been engaged in that business for upwards of thirty years, and has been in the habit of purchasing fur-seal skins during the whole of the time that he has been in business. That he has personally handled many thousands of such fur-seal skins,

and he has inspected the samples at practically every sale of fur-skins made in London during the whole of the time he has been in business, and in consequence of these facts and of his knowledge of the fur-seal skin business he has a general and detailed knowledge of the history of the business of dealing in fur-seal skins in the city of London and of the character and differences which distinguish the several kinds of skins coming on the market.

Cyrus Stephens, having been duly sworn, deposes and says: I am working at calking vessels at the present time; I was employed on sealing vessels in the North Pacific in 1888 as cabin boy and boat puller. I made two voyages to the North Pacific: first in the *City of San Diego* and the next in the *C. G. White*, in 1890. We left here with the *City of San Diego* in February of 1888, and arrived in the Bering Sea in June, 1888. *Cyrus Stephens, p. 479.*

B. H. Sternfels, having been duly sworn, deposes and says: I am 50 years of age, and reside in San Francisco. My occupation is that of a fur merchant. I have been engaged in handling and purchasing fur for twenty-six years, and I am thoroughly familiar with the fur-seal skins in their raw and dressed condition. *B. H. Sternfels, p. 522.*

Joshua Stickland, being duly sworn, deposes and says: I reside in Victoria, British Columbia: I am by occupation a seal hunter; have been in the business two years *Joshua Stickland, p. 349.* on the British schooner *Umbrina*.

Q. What is your name, age, residence, and occupation?—A. My name is Gustave Sundvall; I am 37 years of age; occupation, sea captain, and am residing at present at Oakland, Cal. *Gustave Sundvall, p. 480.*

Q. Are you a citizen of the United States?—A. I am.

Q. What State are you a resident of?—A. I am a resident of the State of California.

Q. Have you been engaged in catching seals in the Pacific and Bering Sea, and for how long?—A. I have been engaged in catching seals in the Pacific and Bering Sea for a number of years.

John A. Swain, being duly sworn, deposes and says: I reside at Victoria, British Columbia. I am a seaman by occupation, and am 27 years old. I went sealing in May, 1891, as boat puller in the steamer *Thistle*. *John A. Swain, p. 350.*

* * * * * In February, 1892, I again shipped in the schooner *Geneva*.

Z. L. Tanner, being duly sworn, deposes and says: I am a lieutenant-commander in the U. S. Navy. I have made five cruises in Alaskan waters, in command of the Fish Commission steamer *Albatross*, now temporarily in the service of the United States Revenue Marine, as follows, viz: I left San Francisco July 4, 1888, for the north, via Esquimalt and Departure Bay, where we called for coal. Arriving off the west end of Unalaska Island on the 21st, commenced exploring the coast in the interest of the fisheries, soundings being run from shore to the 100-fathom line. Arrived at Iliuliuk, Unalaska Island, on the 23d, and

sailed on the 28th. Explorations extended to the Fox Islands Passes, the Sannaks, and to the Shumagin Islands. Called at Sand Point (or Humboldt Harbor), Eagle Harbor, and Yukon Harbor, in the latter group. Resuming the work of exploration, it was carried to Mitrofania Bay, where we called, and thence to Kadiak Island, stopping at Old Harbor and Port Hobron. The extensive banks off the south coast of Kadiak were examined, and a call made at St. Paul, the most important settlement in that region. Leaving the latter place, the work of exploration included the Portlock Bank, and thence to Middleton Island, where a landing was made. Soundings were then carried in the direction of the reported position of the Pamplona Rocks, for which an unsuccessful search was made. Thence we proceeded to Departure Bay, Puget Sound, the coasts of Washington and Oregon, and to San Francisco, arriving October 21.

I left San Francisco on the 21st of May, 1889, and was engaged in deep-sea exploration on the coasts of Oregon and Washington until July 7, then made a trip to southeastern Alaska through the inland passages, visiting Fort Tongass, New Metlahcatlah (Port Chester), Karta Bay, Port Wrangell, Sitka, Pavlof Harbor, Glacier Bay, Hoon-yah, Chilkat, Chilkoot and Juneau. Returned to Tacoma on July 28, calling at Victoria, Port Townsend and Seattle en route. I sailed for the north on the 5th of May, 1890, via Departure Bay, British Columbia, and commenced the examination of the region from the Sannaks to Unimak Pass on the 21st, arriving in Unalaska on the 23d. The work of the season included the exploration of the northern coasts of Unalaska, Unimak, the Alaska Peninsula, and the northern shores of Bristol Bay to the Kuskowim River. The Slime Bank and Baird Bank were developed in Bristol Bay. A survey was made of the lower Nushagak River, the entrance to Port Moller, and Herendeen Bay. Deep-sea exploration was extended to $58^{\circ} 43'$ north and longitude $175^{\circ} 30'$ west, passing near the 100-fathom line, 70 miles to the westward of the Pribilofs. Left Bering Sea August 26, arriving in San Francisco September 26, via Departure Bay, Port Townsend, and the California coast, where we were engaged in deep-sea exploration from the 21st to the 25th. I sailed again for Bering sea July 16, 1891, having on board the United States commissioners to the seal islands. We arrived at Unalaska July 25, and were at the Pribilof Islands from the 28th to August 10. Left the sea on the 13th of August, and reached San Francisco September 15, via Departure Bay, Esquimalt and Puget Sound. On the 19th day of March, 1892, I sailed from San Francisco for Alaskan waters, via Port Townsend and Seattle.

The cruise had special reference to the migration of the fur-seal herd and their relation to the localities visited by us; in other words, we were to ascertain whether there were fur-seal rookeries in Cooks Inlet or Prince William Sound, whether they hauled out or attempted to haul out there, or, in fact, anywhere in Alaska outside of the Pribilof Islands. The following places were visited in the order named: Port Graham, with its tributary settlement of Fort Alexander, having a population of 120, all Aleuts except one white man, the agent of the Alaska Commercial Company. The men are hunters. Chesloknu Bay, with its village of Soldovoi, having a mixed population of Aleuts and Kenai Indians, numbering 103, and four white men. The natives are hunters. Coal Point, population 11, all white, occupied in holding possession of coal claims. Some of them, having had many years experience in the Territory, were able to give much valuable testimony. St. Paul, Kadiak, population 380, 65 of whom are white, the remainder

creoles and Aleuts. The native men and nearly all of the whites are hunters. Wood Island, near St. Paul, has a population of 193, including three whites, the natives being mostly hunters. Owing to a severe winter and late spring, the men were still at home, and we were able to procure affidavits from 35 whites and 55 native hunters, who had practical knowledge of the subject in the regions in which they were in the habit of hunting. The regular work of the *Albatross* is deep-sea exploration, the discovery and development of fishing grounds, and, not infrequently, purely scientific investigation in normal ocean depths far outside of the range of economic species.

I have been engaged in this work nearly fourteen years, during which time it has been a part of my duty to acquire information concerning the seal and its life. This has been done not only from personal experience and observations, but by questioning practical men, such as intelligent mariners, fishermen, and hunters. Pelagic sealing has been a frequent subject of conversation and argument with me since my first northern cruise in 1888, and I have reached the following conclusions:

W. B. Taylor, of Omaha, Nebr., being duly sworn, deposes and says: I am 41 years of age, secretary and treasurer of the Globe Loan and Trust Company, of Omaha, Nebraska, and am not and never have been in any way connected with any company engaged in the seal-skin industry. In the year 1881 I was assistant Treasury agent for the seal islands. I arrived on the islands in the latter part of May of that year, and after a week's stay on St. Paul Island was detailed to St. George, remaining there until the latter part of August. Since then I have not been on the islands. While on St. George I was on the killing grounds every day during the season, and visited the rookeries almost daily, both in connection with my official duties and for the purpose of studying seal life.

Tchet-Chak, being duly sworn, deposes and says: Was born at Kilisnoo and have lived here all my life. Am now a very old man. My occupation is that of a herring-fisher and wood-chopper. Have visited all the islands and inlets in Chatham Sound and other parts of southeastern Alaska.

Emil Teichmann, being duly sworn, doth depose as follows:
First. That he is 46 years of age, a native of the Kingdom of Wurtemberg, and is now a naturalized subject of Her Britannic Majesty.

That since the age of manhood he has been engaged in the fur business; that from 1866 to 1868, inclusive, he resided in America in that business, and since 1868 he has resided in England and done business in the city of London, and is now and has continually been during all these years engaged in one way or another in the fur business. That he is now a member of the firm of C. M. Lampson & Co., and has been a member of such firm for the period of twelve years last past. That prior to the time he became a member of such firm and from the years 1873 to 1880 he was a member of the firm of Martin & Teichmann, who were then, and its successors C. W. Martin & Sons still are, the largest dressers and dyers of seal-skins in the world.

That the firm of C. M. Lampson & Co., of which deponent has been as aforesaid for the last twelve years a member, are what is known as commission merchants engaged in the business of selling furs of various kinds and also in buying furs upon commission.

That the said firm of C. M. Lampson & Co. has, during the time that deponent has been a member thereof, handled a larger number of skins of the fur-seal than all the other firms in the world together, and deponent knows from inspection of the books of his said firm that for many years prior to the date when he became a member of the same they also handled during many years previously thereto a larger number of fur-seal skins than all the other firms in the world together.

That during the time deponent has been a member of the said firm he has personally handled many hundreds of thousands of fur-seal skins, and he has a detailed and expert knowledge of the various kinds of seal-skins, and the several differences between them which enable the several sorts of seal-skins to be distinguished from each other.

Deponent was connected with the firm of Messrs. J. M. Oppenheim & Co., at New York and London, from the years *Emil Tschumann*, p. 579. 1866 to 1872 inclusive, and his late partner, Mr. Martin, and himself ultimately succeeded to the business of Messrs. J. M. Oppenheim, so far as it related to the dressing and dyeing of seal-skins.

George H. Temple, having been duly sworn, deposes and says: I am 32 years old; a native of Vermont, where I now *Geo. H. Temple*, p. 153. reside. I was bred to the occupation of farming, and am at present a hardware merchant in my native town of Randolph.

From 1880 to 1882 I was employed by the Alaska Commercial Company at St. Paul Island, Alaska, as assistant agent, and in that position became familiar with the work of handling, driving, and herding the killable seals, and with the habits and peculiarities of the breeding seals on the rookeries, both of which have, in the main, been accurately and intelligently described by H. W. Elliott in his "Report on the Seal Islands of Alaska," published by the Department of the Interior, Census Office, 1884.

Michael Thlikahdaynahkee, being duly sworn, deposes and says: *M. Thlikahdaynahkee*, p. 269. Am about 60 years old; born at and live in Sitka. Have been a seal hunter all my life.

W. Thomas, being duly sworn, deposes and says: I am a seaman by occupation and at present captain of the steamer *W. Thomas*, p. 485. *Elsie*. Previous to taking command of the *Elsie* I was in command of the steamer *Karluk* doing business in Alaska most of that time.

William G. Thomas, being duly sworn, deposes and says: Have lived in southeastern Alaska the last eleven years, *Wm. G. Thomas*, p. 291. seven of which I resided at Fort Wrangell. Have been engaged in the fishing business a number of years.

Adolph W. Thompson, having been duly sworn, deposes and says: I reside in San Francisco: My occupation is that of *Adolph W. Thompson*, p. 486. a master mariner. I went sealing in 1890, when I was mate of the *Allie Alger*. * * * In 1891 I went out in the schooner *O. H. White*.

Thunk, being duly sworn, deposes and says: I am so old that I have lost my eyesight. Was born in Yakutat and have lived there all my life. Never killed any fur-seal *Thunk, p. 245.* in my life. Spent all my life hunting sea-otter.

Peter Titchenoff, a resident of St. Paul, Kadiak, Alaska, being duly sworn, deposed and said: I am a native of Alaska. Am 57 years old. I am storekeeper for the Alaska Commercial Company; I am acquainted with the coast from Sitka to Kadiak.

Charlie Tlaksatan, being duly sworn, deposes and says: I am 43 years old; was born at Sitka, Alaska. Have hunted seal by myself since I was a boy, and 270. *Charlie Tlaksatan, p. 270.* when very small went sealing with my father.

John C. Tolman, being duly sworn, deposes and says: I am United States deputy collector; resided nearly two years at Kadiak in capacity of deputy collector. *John C. Tolman, p. 222.*

Toodays Charlie, being duly sworn, deposes and says: I am 30 years old; I belong to the band of Killisnoo Indians and was born at and have lived in Killisnoo all my life; am by occupation a herring fisherman; I visit all the islands and inlets around Chatham Sound in following my occupation of making oil from the herring which I catch.

George H. Treadwell, being duly sworn, says: I am 55 years of age, a citizen of the United States, and a resident of Albany County in the State of New York. I am *Geo. H. Treadwell, p. 523.* the son of George C. Treadwell, of Albany, who, in the year 1832 there started a wholesale fur business of a general character. I became associated with him in it in the year 1858, and upon his death, in the year 1885, succeeded to the business. It has been carried on under the names of George C. Treadwell & Co. and Treadwell & Co. In the early part of this year it was turned into The George C. Treadwell Company, a corporation formed under the laws of the State of New Jersey, of which corporation I am the president.

Henry Treadwell, being duly sworn, says that he is a citizen of the United States; is 70 years of age, and resides in the city of Brooklyn, in the State of New York; *Henry Treadwell, p. 524.* that he is a member of the firm of Treadwell and Company, which has been engaged in the business of buying, dressing, and dealing in furs since about the year 1832; that for the twenty years last past deponent's said firm have bought on their own account, dressed, and dyed annually from 5,000 to 8,000 seal skins. * * *

I have been in the wholesale fur business for over forty years, and took an active part in it until two years ago, when I retired from business. *Henry Treadwell, p. 529.*

Peter Trearsheet, being duly sworn, deposes and says: I am 27 years old and reside at Sitka. Am by occupation a sea-man and seal-hunter. Have been engaged in catching seal three seasons. Last season I commanded the sealing schooner *Sitka, of Sitka.*

Francis Tuttle, having been duly sworn, deposes and says: I am a first lieutenant in the United States Revenue-Cutter Service, and have been an officer in that service for the last thirteen years. Am at present in command of the revenue cutter *Hartley* at San Francisco. I made cruises to the Bering Sea in the United States revenue steamer *Rush* during the years 1888-'89 and 1890. During the sealing season of 1888 the *Rush* cruised in Bering Sea and made frequent stoppages at the seal islands. I had an excellent opportunity to observe some of the seal rookeries during my first visit to the islands, and spent much time in studying the habits of the seals, both on the rookeries and in the adjacent waters. * * * During 1890 the *Rush* was not engaged in preventing sealing outside the shore limit, and we spent much time in full view of the seal rookeries and cruising about the seal islands, and I also made frequent visits to the breeding grounds.

Twongkwak, being duly sworn, deposes and says: Was born at Yakutat; am about 30 years old, and belong to Twongkwak, p. 245. the Yakutat tribe of Indians. Hunting is my occupation; have hunted sea-otter and seal.

John Tysum, being duly sworn, deposes and says: I am about 29 years old. I am a native Indian of the Makah tribe; I reside on the reservation at the Neah Bay Agency. I am by occupation a hunter and fisherman. I have been engaged in hunting seals ever since I was old enough. In 1889 I entered the Bering sea in the schooner *James G. Swan*. I was never there before, nor have I been there since. * * * I have sealed up and down the coast in canoes between Destruction Island and the north end of Vancouver Island.

Samuel Ullmann, being duly sworn, says: I am 34 years of age, a citizen of the United States, and a resident of Samuel Ullmann, p. 527. the city of New York. The house of Joseph Ullmann, in which I am a partner, began business at St. Paul, in the State of Minnesota, in 1854. It has always been engaged in the wholesale fur business, and since the time when fur-seal skins first became an important article of commerce in this country it has dealt in large numbers of them. I have personally handled seal-skins for the last twelve or thirteen years, and am familiar with the whole seal-skin trade of this country. The house of Joseph Ullmann now does business at St. Paul, Leipzig, London, and New York.

James Unatajim, being duly sworn, deposes and says: I reside in Sitka; am by occupation a seal-hunter; have been James Unatajim, p. 271. engaged in that business since I was a small boy. I am now about 38 years old. Have never been in Bering Sea; have always hunted seal along the coast of Alaska.

George Usher, being duly sworn, deposes and says: I was born in British Columbia. I am 57 years old, and reside George Usher, p. 291. at New Metlakatla. I have been a hunter all my life. I was one of the first to hunt fur-seals among the Tsimpshens, and have hunted seal ever since. I always hunt in canoes. My hunting place has always been off Dundas Island. Have hunted in Queen Charlottes Sound, Dixons Entrance, and off Prince of Wales Island.

Francis Verbeke, being first duly sworn, deposes and says that he is a Roman Catholic priest, in charge of Roman Catholic mission in village of Chapias, on Todgers *Francis Verbeke, p. 311.* Cove. He has resided in Chapias four winters.

Charles T. Wagner, being duly sworn, deposes and says: I am a citizen of the United States, over 21 years of age, a resident of Sanak, in the Aleutian Group, and *Chas. T. Wagner, p. 211.* am employed by the Alaska Commercial Company as their agent in the purchase of furs and in supplying the natives with food and clothing.

I was first employed by the Government as deputy collector of customs at Unalaska for nearly three years, from 1871 to 1873, since which time I have been in the employ of the company.

During the twenty years which I have been stationed in various trading posts in the Bering Sea, I became conversant with the general question pertaining to the fur-sealing industry in those waters, having bought seal-skins both from natives and from hunting vessels.

* * * * *
I never have been employed by the present lessees of the seal islands.

Rudolph Walton, being duly sworn, deposes and says: I am 25 years of age; born at Sitka; am at present on the police force; have hunted seal three seasons, 1889, 1890, *Rudolph Walton, p. 272.* and 1891, around Biorka Island.

Charlie Wank, being duly sworn, deposes and says: I am 30 years old; was born at and reside at Sitka; am by occupation a seal-hunter; have been catching seal *Charlie Wank, p. 273.* most all my life.

George Wardman, of Pittsburgh, Pennsylvania, being duly sworn, deposes and says: I am 50 years of age, and editor of the Pittsburgh Press. In 1879, as a journalist, I *George Wardman, p. 177.* made a trip to Alaska on the United States revenue steamer *Rush*, during her summer cruise. On that trip I stopped at many points along the northwest coast, the Alaska coast, and the Aleutian chain, and also visited the Pribilof Islands and St. Michael, going as far north as Bering Straits. On April 4, 1881, I was appointed assistant special Treasury agent for the seal islands, and immediately after such appointment proceeded to San Francisco and sailed for the islands, arriving there in the latter part of May. I was then detailed by Colonel Otis, special Treasury agent for the seal islands, to the island of St. George, and until May 29, 1885, I remained in charge of that island. During that time I returned but twice to the United States. I made careful examination of the rookeries each year, and after the first year I compared my yearly observations, so that I might arrive at some conclusion as to whether it was possible and expedient to increase our portion of the quota of skins to be taken on St. George Island without injuriously affecting seal life there.

M. L. Washburn, having been duly sworn, deposes and says: I reside at West Randolph, Vt., but spend most of my time on the south shores of Alaska. My occupation is that of a fur-dealer. I have been in

Alaska for thirteen years, and for the last five years have been traveling, in the early summer months of each year, buying furs from Kadiak Island east to Prince William Sound west; occasionally I made trips as far east as Yakutat Bay and as far west as Chignic Bay. * * * I annually visit nearly all the settlements in this region and many of the uninhabited islands.

I, Seth M. Washburn, depose and on oath say: That I am 42 years of age, and reside in Bethel, Vermont, where I have 154. *Seth M. Washburn, p.* been a merchant since 1878. I was born in Randolph, Vermont, and lived there until 1874. I was a graduate of the State Normal School of Vermont, and in 1874 was employed by the Alaska Commercial Company, the late lessees of the Alaska seal fisheries, to go to the island of St. Paul, of the Pribilof group, as assistant agent and teacher. I went there in 1874 and remained continuously until 1877, my residence there covering four sealing seasons. My duties as assistant agent required me to familiarize myself with the habits of the seals, the manner of driving them from the rookeries, and the killing them and preserving their skins. In doing this the rookeries were under my daily observation. Moreover, from the isolated character of the life on St. Paul Island and the fact that the whole business and resources of the islanders and the other employés of the lessees were based on the seal product, the habits and peculiarities of these animals was the principal and overshadowing subject of conversation and observation among the inhabitants.

Elkan Wassermann, having been duly sworn, deposes and says: I am 53 years of age. I reside in San Francisco. 534. *Elkan Wassermann, p.* My occupation is that of a merchant. I have been engaged in buying furs for the last thirty years. I have examined and bought a great number of seal-fur skins during that time. Some were skins taken by hunters off the coast of California, and others from the coasts of British Columbia, Alaska, and Japan; and I have also bought skins from other dealers. Some were shot and some were speared.

Watkins, being duly sworn, deposes and says: That I am a native Makah Indian, and reside at Neah Bay, on the Watkins, p. 394. Indian Reservation, in the State of Washington, United States of America. My age is about 35 years, and I am a hunter and fisherman by occupation. I have been hunting seals all my life or since I was old enough. Previous to ten years ago I always hunted seals with a spear in a large canoe, and from 20 to 30 miles around Cape Flattery and from 60 to 100 miles up and down the coast.

Daniel Webster, being duly sworn, deposes and says: I am 60 years of age, and am a resident of Oakland Cal.; my Danl. Webster, p. 179. occupation is that of local agent for the North American Commercial Company, and at present I am stationed on St. George Island, of the Pribilof Group, Alaska. I have been in Alaskan waters every year but two since I was 14 years of age. I first went to Bering Sea in 1845 on a whaling voyage, and annually visited those waters in that pursuit until 1868, at which time the purchase and transfer of Alaska was made to the United States; since that time I have been engaged in the taking of fur-seals for their skins.

In 1870 I entered the employ of the lessees of the Pribilof Islands and have been so engaged ever since, and for the last thirteen years have been the company's local agent on St. George Island, and during the sealing season have, a part of the time, gone to St. Paul Island and took charge of the killing at Northeast Point, which is known to be the largest fur-seal rookery in the world. For ten years prior to 1878 I resided most of the time at Northeast Point, having landed and taken seals there in 1868. I have had twenty-four years' experience in the fur-seal industry as it exists in the waters of the North Pacific and Bering Sea, and have made a very careful study of the habits and conditions of this useful animal.

Weckenunesch, being duly sworn, deposes and says that he is a chief of the village of Mchulet (Barclay Sound), and a resident of this village. *Weckenunesch, p. 311.*

P. S. Weittenhiller, being duly sworn, deposes and says: I have resided at Sitka the past nine years. Am now owner of the sealing schooner *Clara* and have en. *P. S. Weittenhiller, p. 274.* gaged in sealing this season. I first took seal off Sitka Sound during the month of March. Have done my sealing all this year between Cape Edgecombe and Cross Sound.

Charley White, being duly sworn, deposes and says: I am about 40 years old, and am a native Makah Indian. I reside on the Indian Reservation at Neah Bay, State of Washington, United States of America. I am by occupation a hunter and fisherman, and have been so engaged all my life. I have hunted seals in canoes all along the coast between Grays Harbor and the northern end of Vancouver Island.

Michael White, being duly sworn, deposes and says: I am 50 years of age. I reside in East Oakland My occupation is master mariner, and I have been so en. *Michael White, p. 489.* gaged for twenty-seven years, off and on. I have been engaged in seal-hunting during the years 1885, 1886, 1887, 1888, and 1889, in the North Pacific and Bering Sea. I first went out in 1885 in the schooner *City of San Diego*, chartered by myself and others. * * * In 1886 I was master of the schooner *Terese*. * * * In 1887 I was master of the schooner *Lottie Fairfield*. * * * In 1888 I took the schooner *Undaunted* on a fishing and sealing voyage. * * * I did the same in 1889.

William Wiepert, being duly sworn, says: I am 47 years of age, a citizen of the United States, and a resident of the city of Brooklyn, State of New York. I am, and have been for the last six years, the superintendent of the manufacturing department of the house of Asch & Jaeckel, which carries on a general wholesale fur business in the city of New York, and between the years of 1880 and 1886 I was the foreman of this establishment. Prior to 1880 I had already handled large numbers of fur-seal skins, and since the time when I entered the employ of Asch & Jaeckel I believe I have handled, assorted, and closely inspected at least 100,000 dressed and dyed fur-seal skins. During the past two years I have handled large numbers of northwest-coast skins (*i. e.*, skins of animals taken in the Pacific Ocean or in Bering Sea).

Billy Williams, being duly sworn, deposes and says: I was born at Kas-aan and have lived there all my life. Am 25 years old. Am a hunter by occupation, and have hunted fur-seal every year for the last five years, always hunting in Dixons Entrance and off Prince of Wales Island between March and June.

C. A. Williams, being duly sworn, says that he is a citizen of the United States and a resident of the city of New C. A. Williams, p. 535. London, in the State of Connecticut, and is 63 years of age.

First. That he was a member of the firm of Williams & Haven, whose business has of late been carried on by him under the firm name of C. A. Williams & Co.; that said firms have been and the latter still is engaged in the whaling and seal-hunting business, and prior to the formation of said firm of Williams & Haven, upwards of forty years ago, the same business was carried on by deponent's father and grandfather, from the beginning of this century. That during the time said business has been in deponent's hands he has employed upwards of twenty-five vessels in the sealing business and has had as many as eight or ten vessels at one time engaged in that business. That deponent's vessels have taken seals during the last forty years from the North Pacific, Cape of Good Hope, Cape Horn, South Shetland Islands, South Georgia, Crozets, Desolation Islands, Sandwich Land, and Gough Island.

That immediately after the cession of Russian America to the United States deponent dispatched the American bark *Peru* to the Bering Sea from Honolulu (where deponent at that time had for some years been residing), for the purpose of investigating the possibilities of seal fishing in that locality. That about the year 1870 deponent was associated with several other gentlemen in forming the Alaska Commercial Company, which company obtained, in the year 1870, a lease from the United States Government for a period of twenty years of the right to take seals on the Pribilof Islands, in the Bering Sea, those islands consisting of St. Paul, St. George, and Walrus islands. At the expiration of the said lease, in 1890, the United States Government invited bids for a lease for a second period of twenty years, and a lease was given to the North American Commercial Company, and in this company deponent has never had any interest. That during the whole of the period which deponent has been engaged in this business it has had his close attention. Deponent has talked at great length with the captains of his various ships, most of whom are now no longer living, and with officers of the Alaska Commercial Company; he has also inspected many thousands of skins of seals caught by his vessels, and has also seen many thousands of skins in the warehouses of C. M. Lampson & Co., in London. The members of that firm at the present time are Sir George Lampson, Emil Teichman, Norman Lampson, and Alfred Fraser. The firm of C. M. Lampson & Co. receive, handle, and sell a very much larger number of seal skins than all the other houses in the world together. The whole catch of the Alaska Commercial Company was annually consigned to that firm for sale at public auction in the city of London, and much the larger proportion of all the other catches that have been made by deponent's vessels in other parts of the world have likewise been consigned to them; and the present lessees of the Pribilof Islands, deponent understands, still consign their catches to them, as

do the Russian Seal Skin Company, who are the lessees of the Russian islands in the Bering sea known as the Commander Islands.

Joseph D. Williams, being duly sworn, says: That he is 74 years of age, a citizen of the United States, and a resident of Brooklyn, in the State of New York; that he *Jos. D. Williams, p. 548.* has been engaged in the business of dressing and dyeing fur-seal skins continuously for fifteen years last past, and prior to that time at intervals during the whole time he has been engaged in business, during a period of some fifty odd years, he has dressed and dyed seal-skins, and that his father was engaged in the same business before him; that for the last 15 years he has had consigned to him by fur-dealers 8,000 to 10,000 seal-skins annually, for the purpose of dressing and dyeing the same.

Theodore T. Williams, being duly sworn, deposes and says: I am by profession a journalist, being at the present time employed as city editor of the San Francisco Examiner, and have been employed in that and similar capacities in the city of San Francisco for the past thirteen years. During that time, and in the pursuit of my profession as journalist, I have had occasion to make extended inquiries into the fur-sealing industry of the Aleutian Islands and the North Pacific.

William H. Williams, being duly sworn, deposes and says: I reside at Wellington, Ohio, and am 55 years of age; that I am the United States Treasury Agent in charge *W. H. Williams, p. 93.* of the seal islands in Bering Sea; that in pursuance of Department instructions to me of May 27, 1891, I made a careful examination during the sealing season of the habits, numbers, and conditions of the seals and seal rookeries, with a view of reporting to the Department from observation and such knowledge on the subject as I might obtain whether or not in my opinion the seals are diminishing on the Pribilof Islands, and, if so, the causes therefor.

Fred. Wilson, being duly sworn, deposes and says: I am 23 years old; was born at Howka; am a hunter by occupation; have hunted fur seal the last eight years; *Fred. Wilson, p. 301.* have always hunted in Dixons Entrance and off Prince of Wales Island in May.

James Wilson, being duly sworn, deposes and saith: I reside at the settlement known as Fort Kenai, Cook's Inlet, Alaska, and have lived in the Territory for the *James Wilson, p. 228.* past twenty-three years, chiefly in this region. I am at present agent for the Northern Packing Company at Fort Kenai, and have no practical knowledge of fur-seal life.

Maurice Windmiller, having been duly sworn, deposes and says: My age is 46; I reside in San Francisco; my occupation is that of a furrier. I have been engaged *Maurice Windmiller, p. 550.* in the fur business all my life, and my father was a furrier before me. I am an expert in dressed and undressed, raw, and made-up furs, and also a manufacturer and dealer in the same. I have bought and examined large numbers of fur-seal skins during the last twelve years, caught by sealing schooners both on the Bussian

and American side of the North Pacific and Bering Sea, and I can easily distinguish one from the other.

Wispo, being duly sworn, deposes and says: I am a native Indian of the Makah tribe, and reside on the reservation at Neah Bay. I am about 35 years old, and am by occupation a hunter and fisherman. I have hunted seals all my life, or since I was old enough to do so. I have sealed up and down the coast, between the mouth of the Columbia River and the upper end of the Vancouver Island and Barclay Sound. I am familiar with the bays and inlets along the coast.

John Woodruff, having been duly sworn, deposes and says: I am 21 years of age. My occupation is that of a boatman.
John Woodruff, p. 506. I live in San Francisco. I went on a sealing voyage last year in the schooner *Southerland*.

Michael Wooskoot, being duly sworn, deposes and says: I am 60 years old; born and reside in Sitka, Alaska.
Michael Wooskoot, p. 274. Have been engaged in hunting seal for a great many years in the North Pacific Ocean around Sitka Sound.

Yabkah, being duly sworn, deposes and says: I was born at Yakutat. I am about 35 years old and belong to the Yakutat tribe of Indians. Am a hunter by occupation. I go from Tay Bay to Sitka Sound and come in contact with the people of different tribes of Indians.

Billy Yeltachy, being duly sworn, deposes and says: I was born at Howkan and have lived there all my life; am *Billy Yeltachy, p. 302.* about 24 years old, and am a hunter by occupation. Have hunted fur-seals the last two years in Dixon's Entrance and around Prince of Wales Island between March and June.

Hastings Yethnow, being duly sworn, deposes and says: I was born in Kas-aan. Have lived there all my life, and am *Hastings Yethnow, p. 302.* now 60 years old. Have hunted fur-seal every season since I was a boy. Have always hunted in Dixon's Entrance and off Prince of Wales Island.

Alf Yohansen, being duly sworn, deposes and says: I reside in Seattle; am a hunter by occupation; have hunted *Alf. Yohansen, p. 368.* seals two seasons; one season on the *San José*, as hunter, and now as hunter on the schooner *Adventure*.

Paul Young, being duly sworn, deposes and says: I was born at Kasan and am 30 years old. Have lived at Kasan *Paul Young, p. 292.* all my life; am a hunter by occupation; in the spring and early summer I hunt fur-seal in canoe.

Walter Young, being duly sworn, deposes and says: I was born at Howkan and have lived there all my life. I have hunted fur-seal for the past four years. Always hunted in Dixon's Entrance and off Prince of Wales Island.

Hish Yulla, being duly sworn, deposes and says: I am about 60 years old, and am a native Indian of the Makah tribe, and reside on the Neah Bay Reservation, *Hish Yulla*, p. 397. in the county of Clallam, State of Washington, United States of America. I have been a hunter and fisherman all my life. Years ago I used to hunt seals in the straits of San Juan de Fuca in the winter time, and in the summer time. I would hunt them in canoes from 10 to 20 miles off Cape Flattery, and of late years I hunt in a small canoe, and put it on a schooner, and go up and down the coast between the mouth of the Columbia River and Barclay Sound.

George Zammitt, being duly sworn, deposes and says: I am 31 years of age. I reside in San Francisco. I am a machinist by occupation. I made a sealing voyage *Geo. Zammitt*, p. 507. on the schooner *Seventy-six* about eight years ago. Captain Potts was master of her.

Pud Zaotchnoi, a native of Amlia Island, of the Aleutian chain, 40 years of age, being duly sworn, deposes and says: I am second chief of the natives of the settlement of Atka, Atka Island, Alaska, and am a hunter of fur-bearing animals, principally the sea-otter and fox; I have never hunted the fur-seal.

Thomas Zolnoks, being duly sworn, deposes and says: I am a native Makah Indian and reside on the reservation at Neah Bay, State of Washington, United States *Thos. Zolnoks*, p. 398. of America. I am 24 years old, and am by occupation a hunter and fisherman. I have been engaged in hunting seals ever since I was 9 or 10 years old. Until about 1880 I hunted seals in large canoes, in which I always used the spear. In the last eight or ten years I have hunted for seals in small canoes carried on schooners, and sealed off Cape Flattery from 20 to 75 miles, and as far south as the Columbia River, and north up to the passage into Bering Sea, but have never hunted for seals in those waters.

HABITS OF ALASKAN SEAL.

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Fogs are almost constant in Bering Sea in the summer time. During the fifty-eight days I cruised in those waters fifty-four days were foggy or rainy, the other four days being partly clear. On this account it is most difficult to seize vessels in Bering Sea. The reports of the guns of the hunters might often be heard when no vessel could be seen.

For fifteen or twenty days at a time I did not see the sun, and never while in Bering Sea did I see a star, the night being continually overcast or foggy. Our position was in nearly all cases determined by dead-reckoning or bearing of the land.

The meteorologic conditions in these latitudes are such that fogs and mists hang so continuously over the land and water as to make navigation very uncertain and dangerous. So all-enveloping are these vapors, that it is often impossible to see the shore a quarter of a mile distant, and so fickle are the fogs and mists that I ascended Bogaslov, the central cone of the island of St. Paul, five times before I could catch a glimpse of the hills immediately surrounding it, and this, too, when each occasion was selected for its promise of clearness. The temperature of the warm season averages about 45° or 50° , and, though no trees grow upon the islands, the excessive humidity is so favorable for grasses, flowers, and other herbage, that they grow with a rapidity and flourish with a luxuriance difficult to realize and unknown in the north temperate zone.

All these regions are particularly favorable for seal life; the raw, damp atmosphere, absence of sunshine, and uninhabited conditions being most advantageous to the existence of the species. All these regions described are uninhabited, excepting the Falkland Islands and Terra del Fuego, the latter being inhabited by the Indians, who only visit a few of the inshore rookeries.

In all of these localities the sky is constantly overcast; the sun never shines for more than an hour or two at a time, and around the more southern islands fogs are very prevalent. The temperature is always cold and damp, being about 40° F. during the summer.

The shores occupied by all these rookeries I have mentioned are of much the same character; there is a narrow beach line, from which cliffs rise abruptly to the height of 75 to 150 feet; through these are narrow crevasses in the rocks or small ravines, where streams flow into the sea; it is at such points the seals are to be found. The animals clamber up these rocks, often going where it is impossible for man to go. The climate of these localities is peculiar. The sky is constantly overcast, and during the summer the average temperature would be between 40° and 45° F. Rain falls nearly every day, keeping the atmosphere constantly moist, but no hard storms take place, the rain falling in misty showers. During the fourteen months I passed at West Cliff, heretofore mentioned, I had an excellent opportunity to examine and study the seals which frequent that coast. Along the coasts and islands near Cape Horn snow does not fall to any extent, and never remains for any length of time. No ice forms along the shore. There is very little difference in the temperature of winter and summer.

I also append to and make a part of this affidavit a table marked C, showing the daily temperature and state of the weather for the months of June and July during the years 1889 and 1890, compiled from observations taken by Dr. C. A. Lutz, on St. Paul Island.

C.—Table showing weather and temperature on St. Paul Island for June and July, 1889, and 1890.*

Day of month.	1889.						1890.					
	June.		July.		June.		July.					
	Tempera- ture.	Weather.	Tempera- ture.	Weather.	Tempera- ture.	Weather.	Tempera- ture.	Weather.	Tempera- ture.	Weather.	Tempera- ture.	Weather.
1.....	42	33	Foggy	45	40	Clear	37	33	Snow	40	40	Fog.
2.....	40	35	Cloudy	48	40	Hazy	34	32	Hazy	48	40	Do.
3.....	44	38	do	49	42	do	41	33	Clear	46	40	Clear.
4.....	48	40	do	48	41	Clear	42	31	Fine	47	39	Do.
5.....	47	39	do	49	40	Hazy	42	32	Clear	50	40	Do.
6.....	50	34	do	42	40	do	43	31	Fog	51	40	Do.
7.....	44	43	do	49	40	Thick fog	44	38	Hazy	51	41	Do.
8.....	47	36	do	50	40	Rain	48	39	Rain	44	40	Do.
9.....	No record	do	45	42	Hazy	43	39	Thick fog	46	41	Hazy.	
10.....	44	38	Rain	49	42	Thick fog	44	34	do	47	42	Do.
11.....	43	40	do	51	41	Fog	43	37	do	48	43	Fog.
12.....	43	38	do	50	42	Clear	42	37	Fog	51	41	Do.
13.....	38	37	do	50	40	do	43	37	do	48	43	Do.
14.....	43	37	do	49	40	do	43	38	do	44	43	Rain.
15.....	42	37	Thick fog	52	42	do	48	39	Raining	45	43	Fog.
16.....	43	37	Rain	50	42	do	43	36	Fog	44	41	Do.
17.....	46	38	Cloudy	47	43	Hazy	45	37	Rain	47	42	Do.
18.....	48	38	Rain	48	42	do	44	37	Clear	47	42	Do.
19.....	49	36	Clear	52	42	Fog	40	37	Fog	50	40	Do.
20.....	45	37	Cloudy	49	41	Clear	43	39	Fine	49	40	Do.
21.....	46	38	do	49	43	Thick fog	45	40	Rain	54	44	Do.
22.....	45	38	do	50	44	Rain	49	40	Clear	56	43	Do.
23.....	40	38	Rain	48	42	Hazy	49	39	Hazy	53	45	Do.
24.....	42	39	Thick fog	46	42	Fog	42	38	Fog	52	46	Do.
25.....	46	40	do	50	42	Hazy	45	40	do	52	45	Do.
26.....	49	40	Cloudy	44	44	Thick fog	42	38	do	53	43	Do.
27.....	51	41	Clear	49	43	Hazy	44	39	do	53	46	Do.
28.....	50	41	do	48	43	Rain	44	38	Hazy	49	45	Do.
29.....	50	40	Cloudy	48	52	Fog	43	40	do	48	44	Do.
30.....	50	40	do	50	45	Hazy	42	39	do	48	40	Do.
31.....				49	42	Fog				51	45	Do.

* Chas. J. Goff, p. 115.

The seal islands of St. Paul and St. George, geographically known as the Pribilof Islands, are situated in Bering Sea at about 170° west from Greenwich and 56° north latitude; and they are nearly 200 miles from the nearest land.

The climatic conditions in their immediate vicinity are so peculiar and their formation and situation are so unique that it is not hard to believe they were selected for a home and resting place by the Alaskan fur-seal because of their adaptability to that purpose, and to that only. The thermometer rarely goes higher than 60° or lower than zero; the average for a number of years being 35° .

In winter the islands are sometimes surrounded by broken ice, which comes from the north, and it will come and go with the tide and currents, generally from January to April, but occasionally remaining later, and again not appearing at all.

In June, July, and part of August, the islands are enveloped for days at a time in dense fog, and a clear sunny day is of rare occurrence. The atmosphere is damp and cool, and the rain falls in a sort of fine mist which drenches one through before it is felt.

The islands are of volcanic origin, and the shores are rough, uneven lava rock, and broken rock and bowlders of like formation. On this rugged shore the Alaskan fur-seals make their summer home; here they are born and reared for the first six months of their existence; here they come every spring as regular as time, and here they reproduce their species.

Mean temperature (degrees F.) at St. Paul Island, Bering Sea, Alaska. Weather Bureau tables, Vol. I, p. 591.

[Latitude $57^{\circ} 10'$ N., longitude $170^{\circ} 01'$ W.; elevation, 80 to 50 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May.	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
1872													
1873	15.7	18.6	12.6	23.9	30.5	37.5	43.0	46.5	43.0	37.8	32.4	29.9	31.0
1874	29.9	33.5	33.0	34.5	39.0	44.4	49.1	50.8	47.3	40.2	37.8	33.3	39.4
1875	34.9	25.3	29.0	28.9	34.2	42.0	47.0	47.9	46.0	41.7	34.9	26.2	37.3
1876	31.4	16.5	23.0	26.2	32.7	38.7	43.2	43.3			28.1	20.4	
1877	13.2	3.0	25.4	25.4	32.5	39.4	42.9	45.8	41.0	36.6	28.6	23.1	29.7
1878	17.7	8.2	16.4	24.9	30.6	39.9	45.1	47.5	45.9	34.7	29.7	29.6	30.8
1879	30.0	23.4	25.1	28.3	34.1								
1880													
1881													
1882	32.1	23.7	28.3	32.0	35.2	41.8	46.9	47.4	44.5	40.3	33.7	22.4	35.7
1883	30.2	26.0	19.9	21.5	34.6								
Sums.													
Means	26.1	20.9	23.6	27.3	33.7	40.4	45.2	47.2	44.9	39.1	32.7	26.5	34.0

* Twenty-six days.

REMARKS.—The mean temperature was obtained from the observations made at 7 a. m., 2, and 9 p. m., after the formula $\frac{1}{3}(7+2+9+9)$.

THE PRIBILOF ISLANDS.

Maximum temperature (F.) at St. Paul Island, Bering Sea, Alaska.

[Latitude 57° 10' N., longitude 170° 01' W.; elevation, 30 to 50 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual.
1872									52	45	41	36	
1873	34	34	35	35	41	47	52	55	49	46	41	40	
1874	37	40	42	45	52	57	58	62	58	48	45	40	
1875	42	44	40	41	47	51	57	65	52	50	45	39	
1876	39	36	41	43	42	53	54	51			38	35	
1877	36	33	36	37	43	51	54	58	51	47	39	35	
1878	35	34	39	40	42				54	45	40	39	
1879	37	26	38	39	47								
1880													
1881													
1882	38	39	38	42	50	52	59	55	54	49	42	36	
1883	36	39	38	37	46								
Sums.													
Means.													

* Twenty-six days.

Minimum temperature (F.) at St. Paul Island, Bering Sea, Alaska.

[Latitude, 57° 10' N.; longitude, 170° .01' W.; elevation, 30 to 50 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual.
1872									33	22	23	4	
1873	-11	-12	-7	3	19	28	36	39	35	31	23	12	
1874	8	19	19	21	25	34	42	44	39	32	26	22	
1875	19	21	12	17	25	34	39	43	41	33	28	15	
1876	23	8	3	5	22	30	35	38			15	-7	
1877	-17	-22	5	8	23	30	37	40	33	25	17	5	
1878	-10	-21	-13	3	20	31	39	40	33	20	18	11	
1879	18	-1	10	7	19								
1880													
1881													
1882	19	3	13	10	19	35	35	45	38	32	32	18	
1883	13	8	-9	-1	27	31	39	41	34	31	22	4	
Sums.													
Means.													

* Twenty-six days.

REMARKS.—Minus sign (—) indicates temperature below zero.

Actual number of fair days at St. Paul Island, Bering Sea, Alaska.

[Latitude, 57° 10' N.; longitude, 170° 01' W.; elevation, 30 to 50 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual.
1873						7	2	3	8	9	8	11	
1874	10	10	9	9	14	4	1	7	13	15	14	20	126
1875	16	8	11	10	8	1	9	4	15	9	7	19	117
1876	20	12	13	6	6	7	1	2			17	6	
1877	14	10	4	8	6	4	0	5	15	8	15	7	96
1878	12	10	13	14	11	5	4	8	9	15	16	12	129
1879	21	12	14	11	7								
1880													
1881													
1882	8	10	15	12	2	5	2	0	7	5	10	14	
1883	2	18	16	20	11						6	7	70
Sums.	103	90	95	90	65	37	22	29	68	63	93	96	
Means.	12.9	11.2	11.9	11.2	8.1	4.6	2.8	3.6	9.7	9.0	11.6	12.0	108.6

* Twenty-six days.

REMARKS.—A "fair" day has from 0.3 to 0.7 clouds.

Actual number of cloudy days at St. Paul Island, Bering Sea, Alaska.

[Latitude, 52° 20' N.; longitude, 170° 01' W.; elevation, 80 to 50 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	An- nual.
1873						23	29	28	21	22	21	19	-----
1874	30	17	21	20	16	26	30	24	15	15	14	11	229
1875	12	16	19	17	19	29	20	27	14	22	21	13	228
1876	10	8	14	20	25	23	30	29			10	22	-----
1877	13	8	25	20	25	25	21	26	15	22	14	20	244
1878	11	8	12	16	19	23	26	23	21	15	14	16	204
1879	9	10	14	19	24								-----
1880													-----
1881						22	26	31	23	25	19	16	-----
1882	22	17	9	18	28	25	29	31	29	29	24	24	281
1883	29	9	15	10	20								-----
Sums.	126	98	129	135	177	196	221	219	138	150	137	140	237.6
Means.	15.7	11.6	16.1	16.9	22.1	24.5	27.6	27.4	19.7	21.4	17.1	17.5	-----

* Twenty-six days.

REMARKS.—A "cloudy" day has from 0.8 to 0.10 clouds.

Cloudiness, expressed in percentages, at St. Paul Island, Bering Sea, Alaska.

[Latitude, 57° 10' N.; longitude, 170° 1' W.; elevation, 80 to 50 feet.]

Years.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	An- nual.
1873									92	85	79	84	-----
1873	63	74	68	73	94	87	96	95	83	90	83	82	82.3
1874	84	80	83	84	76	93	97	92	75	78	73	72	81.4
1875	74	78	83	71	77	95	95	93	76	84	77	78	80.1
1876	71	54	70	78	89	89	98	96		66	81		-----
1877	67	47	86	83	90	92	98	98	76	83	72	76	80.2
1878	58	49	63	81	82	84	89	88	82	76	74	74	75.0
1879	72	65	70	82	89								-----
1880													-----
1881						92	87	98	91	87	80	79	-----
1882	62	79	57	66	97	91	98	99	98	96	92	90	87.1
1883	91	74	78	75	84								-----
Sums.													-----
Means.													-----

* Twenty-six days.

REMARKS.—The percentage of cloudiness was obtained from the eye estimates of the observer, recorded on a scale of 0 to 10 at each observation. The mean of all observations was used as the mean for the day. One hundred per cent represents a sky completely overcast.

HOME OF THE FUR-SEAL.

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We have never heard of, and have no knowledge of, fur-seal pups being born elsewhere than on the rookeries of the seal islands in Bering Sea, nor do we know of any *Jno. Alexandroff et al., p. 229.* rookeries other than those above mentioned.

I do not know of any rookery except those on the seal islands of the Bering Sea. *Chas. Avery, p. 218.*

I have never seen any but a few straggling seals in Cook Inlet, and these only on rare occasions. I have never heard of any fur-seal rookeries in the North Pacific other than those on the seal islands of Bering Sea; and am positive that none exist in the vicinity of Cook Inlet. A Captain

Erratt, of San Francisco, last year induced parties of that place to fit out the schooner *Lily L.* on the face of his positive statement that a fur-seal rookery existed in the vicinity of Cook Inlet. The enterprise was a total failure, however, no rookery being found, although a long and diligent search was made for it.

Many explanations have been offered of the seals having selected these islands as their home. My observation does *J. Stanley Brown, p. 11.* not enable me to state their reason for having done so, but the fact remains substantiated by my experience and that of all others of whom inquiries were made that these remote, rock-bound, fog-drenched islands are the chosen resort of the fur-bearing seal (*Callorhinus ursinus*). The more jagged and irregular the lava fragments that cover the shore, the more continuous the drenching they receive from the moisture-laden atmosphere, the better the seals seem to like it. Neither from personal observation, from inquiries of the natives on the islands and the villages of the Aleutian chain, nor from questioning seafaring men, who, by opportunity for observation and general intelligence, were competent to inform me, could I learn of any other land area ever having been selected by this herd of fur-seal for its residence and for the perpetuation of its species.

The Alaskan seals make their home on the Pribilof Islands because *Chas. Bryant, p. 4.* they need for the period they spend on land a peculiarly cool, moist, and cloudy climate, with very little sunshine or heavy rains. This peculiarity of climate is only to be found on the Pribilof and Commander islands, and during my long experience in the North Pacific and Bering Sea I never found another locality which possessed these conditions so favorable to seal life. Add to this fact the isolated condition of the seal islands, and we can readily see why the seals selected this home.

We have never known of fur-seal pups being born elsewhere than on the rookeries of the seal islands in Bering Sea. *Ivan Canetak et al., p. 229.* Neither have we any knowledge of the existence of any fur-seal rookeries other than those above mentioned.

Neither have I any knowledge of a fur-seal rookery existing anywhere except on the seal islands of Bering Sea. *Julius Christiansen, p. 219.*

The Pribilof Islands are the chosen home of the fur-seal (*Callorhinus ursinus*). Upon these islands they are born; there *W. H. Dall, p. 23.* they first learn to swim, and more than half of their life is spent upon them and in the waters adjacent thereto. Here they give birth to their young, breed, nurse their pups, and go to and come from their feeding grounds, which may be miles distant from the islands.

I have traveled extensively through the Territory from Sitka to the Yukon River, and am positive that no fur-seal rookeries exist in the region other than those on the seal islands of Bering Sea. Neither have I ever heard any reliable information of the existence of other fur-seal rookeries. *Jno. Duff, p. 228.*

In my opinion, fur-seals born on the Copper, Bering, or Robbin islands will naturally return to the rookery at which they were born. The same thing is true of those born on the St. Paul or St. George islands. *William Brennan*, p. 358.

The reason the seals have chosen these islands for their home is because the Pribilof group lies in a belt of fog, occasioned by the waters of the Arctic Ocean coming down from the north and the warmer waters of the Pacific flowing north and meeting at about this point in Bering Sea. It is necessary that the seals should have a misty or foggy atmosphere of this kind while on land, as sunshine has a very injurious effect upon them. Then, too, the islands are so isolated, that the seal, which is a very timid animal, remains here undisturbed, as every precaution is taken not to disturb the animals while they are on the rookeries. The mean temperature of the islands is during the winter about 26° F. and in summer about 43°. I know of no other locality which possesses these peculiarities of moisture and temperature. * * *

While I was acting as purser on the steamer *Constantine* I observed during the months of January, February, and March numerous seals in the inland waters or along the coast between Port Townsend and Sitka. Never a day passed but on looking over the rail seal could be seen sleeping on or disporting in the waters. One day in the bay of Sitka I saw several hundred seals asleep in the water, but at the splash of an oar they immediately disappear. These seals were in all cases much more timid than about their island home, where they evidently realize they are practically safe.

I do not know of any rookery other than those of the seal islands in Bering Sea. *F. F. Feeny*, p. 220.

I have never heard of fur-seal pups being born anywhere except on a rookery, and I have no knowledge of any fur-seal rookeries in Alaska other than those on the seal islands of Bering Sea. *Vassili Feodor*, p. 231.

I do not know of any rookery outside of the seal Islands of the Bering Sea, nor have I heard of any other. *William Foster*, p. 220.

Neither have we any knowledge of the existence of any seal rookeries, except those on the seal islands of Bering Sea. *Nicoli Gregoroff et al.*, p. 234.

I have never heard of, nor have no knowledge of, fur-seal pups being born elsewhere in the northern hemisphere than on the rookeries of the seal islands of Bering Sea. Neither do I know of any other rookeries than the aforesaid. *A. J. Gwild*, p. 232.

There are no fur-seal rookeries in the Aleutian Islands that I know of; in fact I have never heard of any in the region besides those on the several well-known seal islands of Bering Sea. *Charles J. Hague*, p. 208.

I have never heard of, nor have I any knowledge
Norman Hodgeon, p. 367. of, any fur-seal rookeries in the North Pacific
 other than those on the seal islands of Bering Sea.

Neither do I know of any fur-seal rookeries
Frank Korth, p. 235. other than those on the seal islands of Bering Sea.

I know of no rookeries in the North Pacific other than those on
 the seal islands of Bering Sea, and have never
E. L. Lawson, p. 221. heard of any others from a reliable source.

The Alaska fur-seals breed only on the islands of St. Paul and St.
 George, of the Pribilof group, in Bering Sea.
H. H. McIntyre, p. 40. They have been unsuccessfully searched for at
 every other point along the coast. In 1872 Captain
 Archimandritoff spent the greater part of the summer in a schooner
 looking for a reef or island alleged to lie to the southward of Unalaska.
 His cruise was fruitless, not only at this point, but at several others
 where he was led by some legendary tale or delusive dream to expect
 to find seal rookeries. Since that date the coast has been explored at
 every point, and it may be safely stated as a fact that no other rookeries
 exist on the northwest coast of the North American continent or the
 islands adjacent thereto.

The seals are migratory and return, as I believe, after migration to the
 vicinity and probably to the ground or rookery on
H. H. McIntyre, p. 40. which they were born. I have in several cases seen
 a certain seal with his harem during a number of
 consecutive seasons in the same spot. They are attracted to the islands
 in preference to other places by closely defined hereditary habits of mi-
 gration, which take them from and to their breeding places with constant
 regularity, varied only within the limit of a very few days by meteorologi-
 cal conditions. The isolation and climate no doubt first induced their
 habitat upon these islands. If there has been any authentic observation
 of the birth of seals at other points on the northwest coast of North Amer-
 ica, which I very much doubt, the case was anomalous and accidental. No
 doubt the young are occasionally aborted, out of season and out of place,
 and such birth may, perhaps, have been witnessed, but should not form
 the basis for any valuable deduction in locating the home of the animals.

The fur-seals of Alaska are bred and born on the islands of the Pribit-
 lof group in Bering Sea, where they find com-
H. W. McIntyre, p. 135. bined the conditions requisite to their existence,
 of isolation, climate, and proximity to food sup-
 ply. * * *

They evidently have no fixed or definite "hauling ground" to visi-
 [after leaving the islands], as it would have been
H. W. McIntyre, p. 136. discovered long since; but as they can sleep as
 well as find food at sea; they have no occasion to
 land until warned by the reproductive instinct to return to the place of
 their birth—their home—which they do, and are often found at precisely
 the place occupied during the preceding season or seasons. In evidence
 of this I have observed seals bearing unmistakable marks for identifica-
 tion return to the same spot year after year.

I have never seen nor heard of any fur-seal rookeries in the Northern Hemisphere other than those on the several seal islands of Bering Sea; and have never seen fur-seals in great abundance save on and near the Pribilof Islands. *N. B. Miller, p. 372.*

We have never seen fur-seal pups about this part of the coast, and have no knowledge of any being born out side of the rookeries on the seal islands of Bering Sea. *Metry Monim et al., p. 226.*

I believe that the cause the seals chose these islands for their home is because of the isolation of these Pribilof Islands and because the climatic condition of said Pribilof Islands is particularly favorable to seal life. During the time the seals are upon land the weather is damp and cool, the islands being continually enveloped in fogs, the average temperature being about 41° F. during the summer.

It is now well established that, outside of the Pribilof group, there are no other islands or grounds in Northwest America where the seals haul up for breeding purposes. These islands are their natural and permanent home, without which they could not exist. They leave it only when necessity demands and return to it as soon as the climatic conditions make it possible for them to do so. Here they find that protection and supervision indispensable to the reproduction of their kind and the multiplication of their numbers. *Jno. M. Morton, p. 70.*

The Pribilof Islands, by reason of their isolated location, cool and humid climate, rocky shores, and the fog which prevails from early spring to late autumn, are peculiarly well fitted to be the home of the fur-seal. *S. R. Nettleton, p. 75.*

The Alaskan fur-seal is a native of the Pribilof Islands, and, unless prevented, will return to those islands every year with the regularity of the seasons. All the peculiarities of nature that surround the Pribilof group of Islands, such as low and even temperature, fog, mist, and perpetually clouded sky, seem to indicate their fitness and adaptability as a home for the Alaska fur-seal; and with an instinct bordering on reason they have selected these lonely and barren islands as the choicest spots of earth upon which to assemble and dwell together during their six months' stay on land; and annually they journey across thousands of miles of ocean, and pass hundreds of islands without pause or rest, until they come to the place of their birth. And it is a well-established fact that upon no other land in the world do the Alaskan fur-seal haul out of water.

The certainty that the seals caught in the North Pacific are in fact a portion of the Pribilof herd, and that all are born and reared for the first few months upon the islands of that group, naturally leads the observer to regard them as quite domesticated and belonging upon their island home. The more orderly way to describe them, therefore, would be to

commence with their birth upon the island and the beginning of their migrations rather than at the end of some one of their annual rounds away from home.

Alexander Shyka, p. 226. I have never seen or heard of any fur-seal rookery outside of Bering Sea.

I have no knowledge of, and have never heard of, the existence of any fur-seal rookeries in the Northern Hemisphere, other than those on the seal islands of Bering Sea. *Jno. W. Smith, p. 223.*

I have never seen and have no knowledge of any fur-seal rookeries in the region other than those on the Pribilof Islands, and have never seen fur-seals in any great abundance save on and near said islands. *Z. L. Tanner, p. 485.*

In my twenty-three years' experience as a whaler in Bering Sea and the North Pacific, during which time I visited *Daniel Webster, p. 180.* every part of the coast surrounding these waters, and my subsequent twenty-four years' experience on the seal islands in Bering and Okhotsk seas, I have never known or heard of any place where the Alaskan fur-seals breed except on the Pribilof Group in Bering Sea. These islands are isolated and seem to possess the necessary climatic conditions to make them the favorite breeding grounds of the Alaskan fur-seals, and it is here they congregate during the summer months of each year to bring forth and rear their young. * * *

Hair-seal and sea-lions haul out on the Islands and are seldom disturbed, yet they will plunge into the water at *Danl. Webster, p. 182.* once should they discover anyone upon their rookeries, but it is not so with the fur-seal. They seem at home on the rookeries and hauling grounds, and they show a degree of domestication seldom found among similar animals.

ST. PAUL AND ST. GEORGE.

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This little group of islets, consisting, in the order of their magnitude, of St. Paul, St. George, Otter, and Walrus islands, *J. Stanley Brown, p. 11.* were created in the shallow waters of Bering Sea by volcanic agency. Outpour upon outpour of basaltic lava gave to St. Paul, low-lying sea margins which the waves and ice ground into bowlders, pebbles, and sand, and distributed into long reaches of sandy shore at several points. The island lies to-day, except for these minor changes, just as it was created. Cliffs are infrequent and there are from 20 to 25 miles of alternating areas of sand, rocky ledges, and bowlder-covered shores that could be made available, did an expanding herd demand it, for the uses of the seal. About 37 or 38 miles to the southeast lies the second largest of the group, St. George, which, though formed in the same manner as its neighbor, has nevertheless been so modified by orographic movement as to form a strong contrast to it topographically. Bold, towering cliffs are the rule, low-lying shores are rare, and it can boast of only about 6 or 8 miles of really satisfactory rookery space along the entire sea front. As a natural result St. Paul can and does support a far greater seal population than St. George.

The greatest length of either of these islands would be covered by 12 miles, while 6 would easily span them at their widest part. Otter and Walrus islands, the former about 6 miles to the southward and the latter about 7 miles to the eastward of St. Paul, are mere rocky remnants and now play no part as breeding grounds for the seal, and it is questionable if they ever did. The islands are far removed from other land areas, the nearest point on the Aleutian Archipelago lying 20 miles to the southward.

As a result of the volcanic origin of the islands their shores are, with few exceptions, either made up of boulder-strewn lava ledges or covered by jagged fragments of basalt of all sizes, the sharp edges of which are only slightly worn by the seals' flippers or more completely rounded by the waves at the water's edge. There are a few true sand beaches; occasional level areas are found at the back of the rookeries, and in some places between the rock masses comparatively smooth interspaces occur, but even the level portions referred to must be reached by crossing a wide belt of bowlders of all sizes that have been pushed landward by the waves and by the ice which annually surrounds the islands. It is upon such shores that the seal "rookeries" are located. Of the ruggedness of these shores or of the irregularity and confusion of the lava blocks that cover them it is difficult to form a picture, but it is in a measure indicated in the accompanying photographs.

BREEDING GROUNDS.

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A rookery thus presents two distinct features structurally, while from the standpoint of the seal life thereon there are again the two well-recognized divisions of "breeding grounds" and "hauling grounds." The word "rookery" is a general one and includes the specific terms "breeding grounds" and "hauling grounds."

In general and by preference the more rocky areas are selected by the females as "breeding grounds," and here, of course, the breeding bulls are found; while the young, immature males or bachelor seals are relegated to the adjacent sandy shores or smoother spaces at the rear of the rookeries for their "hauling grounds."

Over these masses of rock the females scramble and stumble during the entire breeding season, and in maintaining the control of his household the bull dashes here and there, striking repeatedly against the sharp edges of the rocks with a force that to the onlooker would seem to threaten his life. * * *

Shoreward the limit of a breeding rookery is sometimes defined by topographic conditions, as in the case of a bluff, but the seal life present in any one year upon the breeding ground is the true standard for the determination of boundaries. Upon the large scale charts A, B, C, D, E, F, G, H, I, J, K, will be seen the approximate areas occupied as "breeding grounds" in 1891, as observed by me, while the areas for certain previous years have been indicated by other observers.

I made a survey of said islands and also of the seal rookeries on both of said islands. The charts signed by me and marked A, B, C, D, E, F, G, H, I, J, and K were *J. Stanley Brown, p. 20.* made by me during said survey of said rookeries

and represent the grounds covered by the same. The gray color on said charts so signed by me, and the red color on the reprints of the same, represent the places occupied by breeding seals in 1891, which said spaces were covered by groups of said seals. The white spaces on said original charts, as explained by legend on reprints, represent the grounds over which seals have at various times hauled, as is plainly indicated by the condition of said areas.

The grounds occupied by the seals for breeding purposes are along *Samuel Falconer*, p. 184. the coast, extending from high-water mark back to the cliffs, which abound on St. George Island.

It may be said in the start that the grounds held by the fur-seals are known at the islands as "rookeries" and "hauling grounds." On the former are found the breeding seals, viz., the full-grown males not less than six years of age, and females of three years old and upwards. The grounds comprising the rookeries slope upward from the sea in a gradual and easy manner, and are characterized by hard dry surfaces of volcanic cement or basaltic rock. They are readily accessible from the water and possess other favorable conditions for occupancy by the seal life.

HAULING GROUNDS.

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An inspection of the general map of St. Paul Island will show that there are now existing thereon practically ten *J. Stanley Brown*, p. 18. rookeries, some of which, however, coalesce.

These rookeries are: Northeast Point, Little Polavina, Big Polavina, Lukannon, Ketavie, Reef, Garbotch, Lagoon, Tolstoi, Zapadnie.

Upon the Island of St. George it will be seen that there are five rookeries: Great East, Little East, North, Starry Arteel, Zapadnie.

* * * * *

The area of a "hauling ground" is an ever-changing quantity, but the locality at which bachelor seals hauled in 1891 and the approximate areas hauled over is also indicated on the charts.

The young males or "bachelors," not being allowed to land on these breeding places, lie back of and around these *Samuel Falconer*, p. 184. breeding grounds on areas designated "hauling grounds."

CENSUS OF SEAL LIFE IMPOSSIBLE.

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In 1873 I assisted Prof. Henry W. Elliott in making his measurements and estimates of the number of seals on St. *Samuel Falconer*, p. 181. George Island. We set up stakes at some distance from the breeding rookeries while they were

occupied. Then when the seals were gone we sighted along these stakes to determine the back lines of the rookeries and measured the areas thus determined with a tape line, using our judgment by observing the nature of the ground to determine the curvature of these areas. We then calculated from our observations three seals to a square yard, and multiplying the yards in the areas measured by three made our estimate. I think the measurements were made as accurately as could be done by the means and instruments employed; however, I am convinced that no estimate of any kind, no matter how accurately the measurements are made, would give even approximately the number of seals on the island, for the animals are constantly in motion, coming and going, and there seems to be almost as many in the water as on land. It is as impossible to estimate them as it is to estimate a swarm of bees. But accurate measurements would show conclusively, if made from year to year, whether or not the seals were increasing or decreasing.

I do not think that the number of seals on the rookeries can be even approximately estimated. No satisfactory measurement of the breeding grounds on which to base *H. A. Glidden*, p. 110. an approximation of the number of seals has ever been or can be made. And, even if such measurement could be made, the broken nature of the ground, the inequality of distribution of the seals while on land, and the fact that the females are constantly coming and going, preclude the possibility of any sort of calculation which could be of any value at all.

Even if these measurements had been correct, which was impossible, I do not believe it is possible to calculate even approximately the number of seals upon the rookeries, because of the broken nature of the ground *Abial P. Loud*, p. 88. and the irregular outlines of the breeding grounds.

The total number of seals was stated in that report to be "not less than 4,000,000 upon the two islands." I am satisfied that this estimate was too high, and that the more *H. H. McIntyre*, p. 48. recent estimates published in the reports of officers of the Treasury Department who have been at different times stationed upon the islands, or detailed to report upon the sealeries, have been still more erroneous than my own. My figures were made without any attempt at mathematical computation, and were mere guesses at the possible number of seals upon the different rookeries.

My successors have attempted to measure the ground occupied by the seals, and by multiplying the number upon a given area as ascertained by count, by the whole area of the rookeries, to arrive at an approximation to the total number. They added to their computation a large percentage to cover the number supposed to be in the water at the time, but did not subtract for the inaccessible portions of the grounds, vast tracts of which are covered with bowlders and lava-rocks, where no seals could lie, or skirted with acclivities they could not ascend. That is, the estimates were made from measurements necessarily taken after the seals had left the rookeries, and sometimes weeks or months afterward, with only the recollection of the ground they had formerly occupied to guide the observer. Many sections were included

which had been but thinly populated, if at all. An attempt to secure even an approximative census of seals may well be regarded with suspicion.

I believe that it is utterly impossible to even

J. H. Moulton, p. 71. approximately estimate the number of seals which resort to these islands. I do not mean

that it is impossible to measure the breeding rookeries, for that can be done by the use of surveyors' instruments with practical accuracy, but after the measurements are made, it is impossible to estimate the number of seals contained in these areas, the ground being covered with broken rocks of all sizes, some weighing over a ton, between which the seals lie, so that where the large rocks are not so thick there will be a greater number of seals; thus all over the rookeries the density of seal life varies, and besides this the seals are constantly in motion, the females coming from and going to the water. I do not believe any estimate of the number of seals on the islands heretofore made can be relied upon at all, as there may in reality be twice as many seals as estimated, or half as many.

It is utterly useless to endeavor to estimate the number of seals on the islands. One might as well try to estimate a

B. F. Scribner, p. 89. swarm of locusts, for they are constantly in motion, never for an instant seeming to be at rest.

The breeding rookeries can, of course, be measured from year to year, and these measurements would show an increase or decrease of seal life, for the harems on the rookery are in close proximity, whether there are few or a great many of them.

The areas covered by these rookeries are very broken and uneven, on account of the huge masses of rock which are distributed in unequal quantities over the surface of every rookery. Therefore, to count the seals on a given area and use that to estimate the whole number on the rookery would be absurd. The estimates of the number of seals which have been made heretofore are entirely unreliable in my opinion, and no dependence or calculations should be based on such guesses.

But the number of seals can not be estimated with even approximate accuracy, because of the roughness and unevenness of the ground, and because, during the height of the season, a ma-

W. B. Taylor, p. 176. jority of the females (called cows) are out at sea feeding, being often obliged to go 30 or more miles from the islands for this purpose, and not returning till late at night. I think the number of seals heretofore estimated has been largely exaggerated, and no dependence can be placed on any estimate as to their numbers.

It is impossible to estimate with any sort of accuracy the number of seals on the Pribilof Islands, because of the seals being constantly in motion, and because the breeding grounds are so

Daniel Webster p. 181. covered with broken rocks of all sizes that the density varies. I think all estimates heretofore made are unreliable, and in the case of Elliot and others who have endeavored to make a census of seal life, the numbers are, in my opinion, exaggerated.

DETERMINATION OF INCREASE OR DECREASE OF SEALS.

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The compact order in which the breeding seals arrange themselves upon the "rookeries" upon their arrival in the spring, completely filling the ground first taken before spreading over adjoining space, enables one to see at a glance, as the season advances, whether, if he remembers the land marks to which they filled out in former years, they have grown more or less numerous.

Yet their habits are so well defined and unvarying that it is an easy matter to determine whether they increase or decrease from year to year, because they always *H. H. McIntyre, p. 48.* occupy the same portions of certain beaches, and simply expand or contract the boundaries of the rookeries as they become more or less numerous.

The rookeries are covered by the breeding seals in a very compact and regular manner. There is no evidence of crowding or bunching in one place, or scattering *J. M. Morton, p. 67.* in another, and apparently no spaces within their limits, suitable for occupancy, which are not covered. It is evident from this systematic arrangement and distribution that any expansion or contraction which may take place of the rookery boundaries must show a corresponding increase or diminution of their population; and further, that as the rookeries enlarge or diminish, so in a like ratio will the general body of the seal life be affected. By careful and intelligent study, then, of the breeding grounds, any material changes which may take place from year to year in the numerical condition of the seal life on the two islands may be determined.

But it is impossible to determine by close observation from year to year whether the seals are increasing or decreasing, because the seals crowd together in the same *J. H. Moulton, p. 71.* manner, whether there are a few or a great number, and as they increase the rookeries necessarily extend.

I do not pretend to be able to say how many seals there are, or ever were on the rookeries; nor do I believe anybody else can tell; for the rookeries are so broken and filled with rocks it is impossible to estimate the number of seals upon them with any approach to accuracy. The lines of expansion and contraction are plain enough, and can be seen and understood by the whole community.

I believe that the increase and decrease of seal life can be certainly told from accurate measurements of the breeding grounds, because the seals herd together as closely *W. B. Taylor, p. 176.* as possible, whether there are few or many of them.

The density of the seal population on the rookeries is the same each season; an increase of seal life simply extends the space occupied by the rookeries. By observing *S. M. Washburn, p. 155.* each year the extent of ground covered with breeding seals and comparing it one year with another an observer can

easily determine whether the seals are stationary, increasing, or diminishing in numbers.

Measurements of the breeding grounds, how-
Daniel Webster, p. 181. ever, show an increase or decrease of the number
 of seals, because the harems are always crowded
 together as closely as the nature of the ground and temper of the old
 bulls will permit.

THE ALASKAN SEAL HERD.

DISTINCTION BETWEEN ALASKAN HERD AND RUSSIAN HERD.

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I can tell by examining a skin whether it was caught in season or out
 of season, and whether it was caught on the Rus-
George Bantle, p. 508. sian side or on the American side. A Russian
 skin is generally coarser, and the under wool is
 generally darker and coarser than the skins of the seals caught on the
 American side. A Russian skin does not make as fine a skin as the
 skins of the seals caught on the American side, and are not worth as
 much in the market. I can easily distinguish one from the other.

The herd to which the 2,170 seals above referred to belong, and known
 as "Russian seal," and have no connection what-
Charles J. Behlow, p. 404. ever with the seals taken on the coast of North
 America or in the Bering Sea, and known as the
 Northwest seal, the herd that have their rookery on the Pribilof Is-
 lands.

That the differences between the three several sorts of skins last men-
 tioned are so marked as to enable any person
H. S. Berington, p. 551. skilled in the business, or accustomed to handle
 the same, to readily distinguish the skins of one
 catch from those of another, especially in bulk, and it is the fact that
 when they reach the market the skins of each class come separately and
 are not found mingled with those belonging to the other classes. The
 skins of the Copper Island catch are distinguished from the skins of the
 Alaska and Northwest catch, which two last-mentioned classes of skins
 appear to be nearly allied to each other, and are of the same general
 character, by reason of the fact that in their raw state the Copper skins
 are lighter in color than either of the other two and in the dyed state
 there is a marked difference in the appearance of the fur of the Copper
 and the other two classes of skins. This difference is difficult to de-
 scribe to a person unaccustomed to handle skins, but it is nevertheless
 clear and distinct to an expert, and may be generally described by say-
 ing that the Copper skins are of a close, short, and shiny fur, partic-
 ularly down by the flank, to a greater extent than the Alaska and North-
 west skins.

I learned that fur-seals of the species *Callorhinus ursinus* do breed
 and haul out at the Commander Islands and Rob-
J. Stanley Brown, p. 12. bin Reef, but the statements made to me were
 unanimous that they are a separate herd, the pelt

of which is readily distinguishable from that of the Pribilof herd, and that the two herds do not intermingle.

Deponent further says that the distinction between the skins of the several catches is so marked that in his judgment he would, for instance, have had no difficulty had there been included among 100,000 skins in the Alaska catch 1,000 skins of the Copper catch in distinguishing the 1,000 Copper skins and separating them from the 99,000 Alaska skins, or that any other person with equal or less experience in the handling ofkins would be equally able to distinguish them.

In the pursuit of my business I have had an opportunity to buy and examine fur-seals taken from the Commander Islands, and can readily distinguish them from the northwest coast catch and those taken from the Pribilof Islands. They are evidently a distinct and separate herd, as the foundation of the fur is much coarser, and at the same time does not cover the belly as thickly as on the Alaska seal and is of very much less value. The proof of this is that the Commander Island skins bring 30 per cent less in the market than the Alaska skins. From my knowledge and experience in the purchase and handling of fur-seal skins I know that the skins taken from seals along the coast and those taken from the Pribilof Islands belong to the same herd. In buying the skins taken from seals caught by hunters in the Bering Sea, the price is usually made for the lot as it runs without any limitation as to yearlings, the yearlings not averaging more than 2 per cent, whereas the coast skins are always bought with a limitation as to yearlings, one price being made for the skins and the other for the yearlings. In these lots the yearlings usually average 10 per cent.

I herewith attach samples of dressed and dyed fur-seal skins of the Alaska seals, labeled as follows:

Exhibit No. 1, showing the teats on the belly of a virgin female.

Exhibit No. 2, showing the teats on a cow heavy with pup.

Exhibit No. 3, showing teats on a cow suckling pups.

Exhibit No. 4, showing teats on a bachelor seal.

Exhibit No. 5, showing the teats on a wig.

The seals to which I have thus far had reference are known to myself and to the trade as the Northwest Coast Seals. sometimes also called Victorias. This herd belongs solely to the Pribilof Islands, and is easily distinguishable by the fur from the fur-seals of the other northern rookeries, and still easier from those of the south. All expert seal-skin assorters are able to tell one from the other of either of these different herds. Each has its own characteristics and values.

I have found that the Russian skins were flat and smaller, and somewhat different in color in the under wool than those caught on the American side. In my opinion they are of an inferior quality. The Alaska skins are larger and the hair is much finer. The color of the under wool is also different. I have no difficulty in distinguishing one skin from the other. I am of the opinion that they belong to an entirely separate and distinct herd.

I can easily distinguish the Copper Island fur-seal skin in its undressed state from that of the Alaskan and north-west coast skins. They are of an entirely distinct and separate herd, while those of the north-west coast and Pribilof Islands are of the same variety.

John N. Lofstad, p. 516. The skins belonging to these several catches are catalogued separately, sold separately, and are of different values, *Walter E. Martin, p. 589.* and necessarily, therefore, bring different prices in the market.

The differences between these several classes of skins are so marked as to enable any person skilled in the business to readily distinguish one from the other. * * *

The differences between the Copper Island catch and the Alaska catch are marked and enable anyone experienced in handling skins to distinguish the one from the other. The Copper Island skins show that the animal is narrower in the neck and at the tail than the Alaska seal and the fur is shorter, particularly under the flippers, and the hair has a yellower tinge than have the hairs of the Alaska seals, so that before the skins are dressed the two may be readily distinguished from each other, and while deponent has made no such attempt he believes that it would be reasonable to say that if 1,000 Copper Island skins were mingled among 99,000 Alaska skins it would be possible for anyone skilled in the business to extract 950 of the 1,000 Copper Island skins and to separate them from the 99,050 of the Alaska catch, and *vice versa*. Both the Copper Island skins and the Alaska skins are the skins of male seals almost exclusively, although occasionally female skins are found among the Copper Island catch and less often among the Alaska catch.

The seals of the Commander Islands appeared to me slightly different from the Pribilof fur-seals. They are grayer in color, and of a slighter build throughout the body. The bulls have not such heavy manes, or fur capes, the hair on the shoulders being much shorter and not nearly so thick. The younger seals have longer and more slender necks apparently. I noticed this difference between the seals at once.

During the season of 1891 I was the agent of the Russian Seal-skin Company, of St. Petersburg; that I was on Bering Island at the time that Sir George Baden-Powell and Dr. George M. Dawson, the British representatives of the Bering Sea Joint Commission, were upon said island investigating the Russian sealeries upon the Komandorski Islands, that I was present at an examination, which said Commissioners held, of Sniegeroff, the Chief of the natives on Bering Island, who, prior to the cession of the Pribilof Islands by Russia to the United States, had resided on St. Paul, one of said Pribilof Islands, and that since that time had been a resident on said Bering Island, and during the latter part of said residence had occupied the position of native chief and as such superintended the taking and killing of fur-seals on said Bering Island; that during said examination the Commissioners, through an interpreter, asked said Sniegeroff if there was any difference between the seals found on the Pribilof Islands and

the seals found on the Komandorski Island; that said Sniegeroff at once replied that there was difference and on further questioning stated that such difference consisted in the fact that the Komandorski Island seals were a slimmer animal in the neck and flank than the Pribilof Island seals, and further that both the hair and fur of the Komandorski Island seal were longer than the Pribilof Island seal; said Commissioners asked said Sniegeroff the further question, whether he believed that the Pribilof herd and Komandorski herd ever mingled, and he replied that he did not.

I was formerly, as I have stated, interested in the Commander seal islands, as well as those of Alaska. The two herds are separate and distinct, the fur being of different quality and appearance. The two classes of skins have always been held at different values in the London market, the Alaskas bringing invariably a higher price than the Siberias of the same weight and size of skins. I think each herd keeps upon its own feeding grounds along the respective coasts they inhabit.

While the Alaska and Northwest coast skins are taken from the same species or herd of seals, I am convinced that the Copper skins are taken from seals of a different herd. I have noticed the difference in the skins, both in their raw state and during the processes of dressing. The hair of the Copper skin is shorter, thinner, and generally of a somewhat darker color than that of the Alaska or Northwest coast skins, and in most cases the difference in shape is sufficiently marked to enable me to distinguish them by that means alone.

The difference between the Copper and the other skins is still more marked during the processes of dressing. It is very much more difficult to unhair a Copper skin. Furthermore, the pelts of the copper skins are less porous than those of the other skins. While preparing skins for dressing it is necessary to "work" them and open the pores in order to "leather" them, and it is during this process that I have noticed the fact that Copper skins are much less porous than the others. The pelt being harder and stiffer and the hair more brittle we can hardly ever unhair a Copper skin as satisfactorily as we can the other skins.

That the three classes of skins above mentioned are easily distinguishable from each other by any person skilled in the business or accustomed to handling skins in the raw state. That deponent has personally handled the samples of the skins dealt in by this firm, and would himself have no difficulty in distinguishing the skins of the Copper Island catch from the skins of the Alaska and Northwest catch, by reason of the fact that in the raw state the Copper Island skins have a lighter color and the fur is rather shorter in pile and of an inferior quality. The skins of each of the three classes have different values and command prices in the market.

The skins of the Russian side are much coarser than those of the American side, and the fur is a little darker; more of a cherry color. The top hair is darker. *Chas. W. Price, p. 521.* The seals on the Russian side are a distinct and different herd from those on the American side and are not as valuable.

The differences between the several classes of skins are very marked, and enable anybody who is skilled in the business or accustomed to handling of fur-seal skins to distinguish the skins of one class from the skins which belong to either of the other two classes and these differences are evidenced by the fact that the skins obtain different prices in the market. * * *

Geo. Etoe, p. 573.

The difference between the Copper Island catch and the Northwest and Alaska catches, which two last-mentioned classes of skins of the fur-seal apparently belong to the same family, are such as to enable any person skilled in the business to distinguish the Coppers from the Northwest and Alaska skins, or what I may call the Bering Sea seal-skins, but the manner in which the skins are distinguished is difficult to describe to any person not accustomed to handling skins. The difference again between the Alaskas and Northwest catches, although, as deponent has said, they are of the same general family, is yet very marked by reason of the difference of the color of the hair, the length of the wool, which is, of course, perceptible mainly upon examination of the pelts and of the fact that the female skins show the marks of the breast.

The differences between the three classes of skins above mentioned are so marked that the skins belonging to the three catches have always, since deponent had any knowledge of the business, commanded, and do now command, different prices in the markets. For instance, the Alaska skins of the last year's catch fetched about 12s. per skin; the Copper skins of the last year's catch fetched 6s. 6d. per skin, and the Northwest skins of the last year's catch fetched about 5s. per skin.

Among the skins classed as the Northwest catch there have for the last few years been included a considerable number of skins which deponent says he thinks were formerly called Japanese skins, which are distinguished from the remaining Northwest and Alaska skins by reason of the different color of the skins in the raw state. This difference in color is so distinct as to be practically unmistakable.

Leon Stoss, p. 92.

I have handled many sealskins coming from both north and south of this port, and can readily distinguish the difference between them. Those from the southern islands are from a different species from the Alaskans, and both differ from the Asiatic skins. The skins from the warmer latitudes are greatly inferior. The fur is short and thin and of a reddish brown color. They can be detected at once. It is not as easy to distinguish the Alaska from the Asiatic skins, but experts in handling them, nevertheless, do it with unerring accuracy.

The skins of these several catches are readily distinguished from each other, and the skins of the different sexes *Wm. O. B. Stamp, p. 575.* may be as readily distinguished from each other as the skins of the different sexes of any other animal. * * *

The differences between the Copper and Alaska skins are difficult to describe so that they can be understood by any person who has no practical knowledge of furs, but to any one skilled in the business there are apparent differences in color between the Copper and Alaska skins, and a difference in the length and qualities of the hairs which compose the

fur, and there are also apparent slight differences in the shape of the skins.

The differences between the skins of the three catches are so marked that they have always been expressed in the different prices obtained for the skins. I have attended the sales for many years, and am able to make this statement from my own knowledge. The average prices obtained at the sales of the last year's catch for instance were as follows: For the Alaska skins, 125s. per skin; for the Copper skins, 68s. per skin; and for the Northwest skins, 53s. per skin.

The skins of the Alaska and Copper catches are readily distinguished from each other and command different prices in market, and I should have no difficulty and would *Emil Teichmann, p. 580.* undertake from my knowledge of the various skins

to separate Copper skins from Alaska skins should they ever be found mingled together, as, however, they are not. The Alaska and Copperskins are distinguishable from each other partly by means of the different color. The Copper Island skins generally have a darker top hair and are more yellow on the cheeks than the Alaska skins. Perhaps a surer means of distinguishing the two is the difference in shape. The Copper Island skins are much narrower at the head than the Alaska skins, and this difference is very marked. In our warehouses we have a different set of frames for the sizing out of the Copper skins from those we use for the Alaska skins. Another difference quite as important as the shape is that the fur upon Copper Island skins is considerably shorter on the flanks and toward the tail than is the fur of the Alaska skins. All of these differences are so marked, as I have before stated, as to enable any expert, or one familiar with the handling of skins, to readily distinguish Copper from Alaska skins, or *vice versa*, but it is true in the case of very young animals the differences are much less marked than in the case of the adult animal. We receive practically no skins of very young animals from Alaska, but we do receive at times a certain number of the skins of the young animals from Copper. All the skins of both the Copper and Alaska catches are the skins of the male animals.

The skins of the Northwest catch are in turn readily distinguishable from the skins of the Alaska as well as the Copper catch. The differences which I have enumerated between the Copper and Alaska skins are accentuated in distinguishing the skins of the Northwest catch from the skins of the Copper catches, and we use a separate set of frames or patterns in our business for the Northwest skins from what we use for the Copper or Alaska skins. Among what are classed by us as Northwest skins are included what are sometimes called Japanese skins, which are the skins of seals killed on the northern Asiatic coasts. These skins come upon the market generally by way of Japan, but sometimes by way of San Francisco or Victoria.

The skins of each of the several catches are readily distinguishable from each other by any person at all experienced in the handling of seal skins; and the skins *Henry Treadwell, p. 525.* of the Northwest, Alaska, or Copper catch are none of them found, except under those titles; that is to say, that skins of the "Copper" catch are not found among the "Alaska" seal-skins, nor those of the Northwest catch among the Alaska or Copper seal-skins. The skins of the three catches are so readily distinguishable from each other that deponent says he would be able, on the examination of the skins as they are taken from the barrels in which they are

packed in salt and received by him, to detect at once in a barrel of Alaska skins the skins of either the Copper or the Northwest catch; or in a barrel of the Northwest catch the skins of either the Alaska or the Copper catch, or in a barrel of the Copper catch the skins of either the Alaska or Northwest catch. The skins of the Alaska and Copper catches are readily distinguishable from each other, although male skins; and the skins of the Northwest catch are also readily distinguishable from both the Copper and Alaska by the fact that they are almost all females, and all have marks of bullets, buckshot, or spears, showing that they have been killed at sea, although the Northwest catch belong to the Pribilof Island herd. * * *

It is equally true that the skins of all the other catches which we had in prior years were readily distinguishable from each other. I have not seen the seals in their native rookeries, and can not speak as to the distinguishing traits of the live animal, but in the trade and in the experience of our firm we have always been able to distinguish readily the skins coming from one locality from the skins coming from another. I remember upon one occasion my firm received a consignment of skins from London which bore no marks familiar to us and which skins had not been described to us, and that my brother, who was then at the head of the business, and who is now dead, said, after inspecting the said skins, that they reminded him very much of what were formerly called "south latitude skins," and particularly of some skins which he had twenty odd years before from Santa Barbara, in California; and upon inquiry from the Messrs. Lampson and Company we were informed by them that the said skins were the skins of seals killed at Santa Barbara.

And the skins of the two herds of the Pribilof and Commander islands may be so readily distinguished from each other
C. A. Williams, p. 537. that an expert would have no difficulty in at once throwing out from the catch taken on the Commander Islands any skins of the Pribilof herd, and *vice versa*; and deponent understands from persons who have had long experience in the examination of the living animals that the two herds so differ as to belong to separate species of the same genus, and can readily be distinguished from each other. * * * * *

And the skins of these three catches, as deponent has before stated, are readily distinguishable from each other and are well recognized in the trade as distinguishable from each other and the differences between are clearly evinced in the different prices which have always been obtained for the seal-skins of the three catches; for instance, the skins of the Alaska catch now command and have always commanded by 20 or 30 per cent a better price than skins of the same size from the Copper catch; and this difference is also recognized by the Russian Government, who lease the privilege of catching upon the Commander Islands upon terms 25 per cent less than the terms exacted by the United States for the lease catch upon the Pribilof Islands.

The Russian seal is a smaller seal, and the fur is not as close as the fur of the Alaska seal, nor as good quality. They
Maurice Windmiller, p. 550. are an entirely different herd from those on the American side, and their skins have peculiar characteristics by which it is not difficult to separate them.

DOES NOT MINGLE WITH RUSSIAN HERD.

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The Commander Islands herd is evidently distinct and separate from the Pribilof Islands herd. Its home is the Commander group of islands on the western side of Bering Sea, and its line of migration is *p. 406.* westward and southward along the Asiatic coast.

To suppose that the two herds mingle and that the same animal may at one time be a member of one herd and at another time of the other, is contrary to what is known of the habits of migrating animals in general.

The fur-seals of the Pribilof Islands do not mix with those of the Commander and Kurile islands at any time of the year. In summer the two herds remain entirely distinct, separated by a water interval of several hundred miles; and in their winter migrations those from the Pribilof Islands follow the American coast in a southeasterly direction, while those from the Commander and Kurile islands follow the Siberian and Japan coasts in a southwest-*erly direction*, the two herds being separated in winter by a water interval of several thousand miles. This regularity in the movements of the different herds is in obedience to the well-known law that *migratory animals follow definite routes in migration and return year after year to the same places to breed.* Were it not for this law there would be no such thing as stability of species, for interbreeding and existence under diverse physiographic conditions would destroy all specific characters.

I think the Commander Islands seals are a different body of seals altogether from those of the Pribilos, and that the two herds never mingle. I think the Commander Islands herd goes to the southward and westward towards the Japanese coast.

I am told and believe that the Robben Island seals can be distinguished by experts from those on the Commander Islands, and am satisfied that they do not mingle with them, and are a separate and distinct herd. They remain on and about the islands in large numbers until late in the fall. I have been accustomed to leave in October or early in November, and seals were always plentiful at that time. I am of opinion that they do not migrate to any great distance from the island during the winter. A few hundred young pups are caught every winter by the Japanese in nets off the north end of Yesso Island.

I have made 32 voyages between the Aleutian Archipelago and the Commander Islands, but have never seen seals between about longitude 170° west and 165° east. I am satisfied the Alaska seals do not mix with those of Siberia. I have seen seals in winter and known of their being caught upon the Asiatic side as far south as 36° north latitude.

No vessel, to my knowledge, has ever met a band of seals in midocean in the North Pacific. I have crossed said waters on three different occasions, and each time kept a close lookout for them.

The Pribilof herd does not mingle with the herd located on the Commander Islands. This I know from the fact that the herd goes eastward after entering the Pacific Ocean, and from *Chas. Bryant, p. 4.* questioning natives and half breeds, who had resided in Kamchatka as employés of the Russian Fur Company, I learned that the Commander herd on leaving their islands go southwestward into the Okhotsk Sea and the waters to the southward of it and winter there. This fact was further verified by whalers who find them there in the early spring.

Deponent is further of the opinion, from his long observation and handling of the skins of the several catches, that *Alfred Fraser, p. 558.* the skins of the Alaska and Copper catches are readily distinguishable from each other, and that the herds from which such skins are obtained do not in fact intermingle with each other, because the skins classified under the head of Copper catch are not found among the consignments of skins received from the Alaska catch, and *vice versa.*

In the months of October and November, after a blow from the northeast, a few scattering gray pups are occasionally seen in groups of two and three. They pass from Bering Sea into the Pacific, and do not linger about this region. I have killed a few of these pups in the passes of Atka and Amlia islands for food, and did not find them difficult to approach in bidarka. I killed ten in one season, about the year 1868, using a spear, and never lost one struck, although they do not float long after being killed, usually less than five minutes. We find but few nowadays, and I think there are less fur-seals than there were formerly. I do not know the reason for it. I have never seen an old bull or a full-grown fur-seal about these islands. I do not know through what passes the seal herds move to and from the Bering Sea, nor the time. Schooners have occasionally been seen about this region in the spring, but they never stayed long, and I do not think they got any skins.

I think the fur-seal herds of the Commander and Pribilof islands are separate bodies of the fur-seal species, whose *Charles J. Hague, p. 207.* numbers do not mingle with each other. In the latter part of September of 1867, in the brig *Kentucky*, making passage between Petropaulowski and Kadiak, I observed the Commander Islands seal herd on its way from the rookeries. They moved in a compact mass or school, after the manner of herring, and were making a westerly course towards the Kurile Islands.

Q. In your opinion do the seals on the Russian side intermingle with those on the Pacific side or are they a separate *H. Harmsen, p. 443.* herd?—A. No, sir; they do not come over this way. They are not a different breed, but they keep over by themselves. At least I don't think so. They follow their own stream along there. There is so much water there where there are seals, and so much where there are not. They are by themselves.

Q. In your opinion, do the seals on the Russian side intermingle with those on the Pacific side or are they a *Gustave Isaacson, p. 440.* separate herd?—A. They do not intermingle at all.

Q. In your opinion, do the seals on the Russian side intermingle with those on the Pacific side or are they a separate herd?—A. I think they are a separate *Frank Johnson*, p. 441.

Have seen only three fur-seals in this region in twenty years; saw them in May, 1890, traveling along the north side of Attu Island, about 5 miles off shore, and making a northwesterly course. They were young males, I think. Fur seals do not regularly visit these islands now, but about twenty-five or thirty years ago I used to see small squads of large seals during the month of June feeding and sleeping about the kelp patches off the eastern shores of Attu and Agattu Islands. They came from the southward and traveled in a northwesterly direction. Never saw any fur-seals east of the Semichi Islands, and do not think those of the Commander Islands herd go farther to the eastward than that. They decreased in numbers gradually, and during the last twenty years have only seen the three above mentioned. Have never seen a nursing or mother cow or a black or gray pup in this region, and do not think they ever visit it.

Q. In your opinion do the seals on the Russian side intermingle with those on the Pacific side or are they a separate herd?—A. They are a different herd of seals altogether. *Alex. McLean*, p. 438.

Q. In your opinion do the seals on the Russian side intermingle with those on the Pacific side?—A. No, sir; I do not think so. They are different seals in my *Daniel McLean*, p. 444. opinion.

The seals of the Commander Islands are of a different variety from those of the Pribilofs. Their fur is not so thick and bright and is of a somewhat inferior quality. *Jno. Malovansky*, p. 198. They form a distinct herd from that of St. Paul and St. George, and in my opinion the two do not intermingle.

I was present as interpreter when the English commissioners were taking testimony on Bering Island. They examined, among others, when I was present, Jefim Snigeroff, chief on Bering Island, he being the person selected by them there from which to procure the testimony relating to the habits and killing of seals. This Snigeroff testified that he had lived on the Pribilof Islands for many years, and knew the distinctive characteristics of both herds (Commander and Pribilof) and their habits, and that he removed from thence to Bering Island. He pointed out that the two herds have several different characteristics, and stated that in his belief they do not intermingle.

There are two great herds or armies of fur-seals that frequent the North Pacific Ocean and Bering Sea. They are quite distinct from each other and do not intermingle. The one army appears off the coast of California in the latter part of December and gradually work their way northward, and are joined by others coming apparently from mid-ocean. * * * The other army proceeds along the Japanese coast, and head for the Commander and Robben islands. I believe the seals always return to the place of their birth.

I do not think the fur-seal herds of the Commander and Pribilof islands ever get close enough to each other in these latitudes to mingle.

I am satisfied that the seal herds respectively upon the Pribilof group, the Commander Islands, and Robben Bank *Gustave Niebaum, p. 204.* have each their own distinctive feeding grounds and peculiar rounds of migration. No doubt they are of the same species, but there is a marked difference in the fur of the skins from the respective places, which can be distinguished by experts.

I hunt about Attu, Agattu, and the Semichi islands. Have never hunted or killed a fur-seal. Fur-seals do not *Elijah Prokopief, p. 215.* regularly frequent these regions, and I have seen none but a few scattering ones in twenty years. Thirty years ago, when the Russians controlled these islands, I used to see a few medium-sized fur-seals, one or two at a time in the summer, generally in June, traveling to the northwest, and bound, I think, for the Commander Islands. The farthest east I have ever observed them was about 30 miles east of the Semichi Islands; do not think those going to the Commander Islands ever go farther east than that. Those most seen in former times were generally feeding and sleeping about the kelp patches between Attu and Agattu and the Semichi islands, where the mackerel abounds. They decreased in numbers constantly, and now are only seen on very rare occasions. Have seen but half a dozen in the last twenty years; they were large seals, bulls, I judged from their size, traveling to the northwest, about 30 miles east of the Semichi Islands. This was in May, 1888.

Have never seen any pups, black or gray, or nursing female fur-seals in this region, and do not think they ever visit it. * * *

Do not know where the old bull fur-seals spend the winter, nor what route the fur-seal herds take to and from the Commander and Pribilof islands, nor at what times the herds pass to and fro. Am quite sure the herds do not come near enough together to mingle in these regions. Have never known of fur-seals being seen between Amchitka and a point 30 miles east of the Semichi Islands.

I never saw but one fur-seal in the water. It was a young male, which was killed in this bay in September of *Filaret Prokopief, p. 216.* 1884.

C. A. Williams, p. 537. There is no intermingling of the herds.

The fur-seal is only rarely seen about this region, scattering ones being seen occasionally during the months of September, October, and November, traveling from the northward to the southward, through the passes between Atka and Amlia islands. Those seen are always gray pups, and usually appear after a blow from the northeast. The most I ever saw in any one year was about a dozen, but never more than two or three at a time. I have met them in the passes while hunting in a bidarka. I have never known them to rest on the shores or on patches of floating kelp in this region. I have never seen large bulls or full-grown fur-seals in this region.

CLASSIFICATION.

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The seals which make their home upon the Pribilof Islands are readily thrown into five general groups. (1) The breeding males or bulls. (2) The breeding females. *J. Stanley-Brown, p. 13.* (3) The immature males or bachelor seals. (4) Virgin females; and (5) The pups. Each has its own time of arrival, each its separate career on the islands, and each its season for the annual expedition into the Pacific Ocean.

I have dissected the brains, eyes, and hearts, and have examined the lungs, liver, and internal viscera generally of such seal as are to be found on the killing grounds. *W. S. Hereford, p. 35.* Have also examined some of the stomachs of the pups on the rookeries in the fall.

The fur-seal has unusually thin bones covering the brain. The brain is well shaped, the same almost as a human brain, quite large, and if one could judge from external appearances the animal possessing such a brain should be unusually intelligent. The eye during life is large, dark, sympathetic, and intelligent-looking, but, alas for appearances! On land they may be occasionally suspicious, especially should their other senses be helped out by their olfactories, for they have the keenest scent, but in the water they display the greatest curiosity and confidence in passing objects. They will catch up and follow a boat, and in fact I have seen them play around the "killer-whale" totally oblivious of the fact that this "killer" is their bitter enemy. I have at the same time seen the sea-lion, which is generally considered more stupid, though braver, rush into shore and land on the rocks under similar circumstances, apparently preparing to chance death from the natives to being snapped in two and made a meal of in two mouthfuls by the "killers."

I am of the impression that the fur-seal, notwithstanding its magnificent-looking eye, has rather a short range of vision; it may be more powerful under water than out. * * *

Of the lungs, liver, heart, and testicles of the male fur-seal, which I have observed, there is nothing peculiar about them. The penis is characteristic of the class to which the fur-seal belongs. The brain, heart, liver, and kidneys make very good eating, and taste about the same as those of other animals. The meat, however, which must be entirely freed from all its blubber or fat, though quite nutritious and palatable, is somewhat soft, of a dark color, and reminds one, according to how it is cooked, of wild duck, venison, etc., only it must never be eaten rare, but always well done. On our table it generally went by the name of St. Paul or St. George mutton, respectively, and had its regular place in our bill of fare, being far more preferable to "salt horse" and canned stuffs.

H. H. McIntyre, p. 58. The average weight and length of the different sizes and ages may be generally stated about as follows:

	Length. Inches.	Weight. Pounds.
At time of birth.....	12	7
At 1 year old	38	30
At 2 years old	46	60
At 3 years old, male	54	90
At 3 years old, female, nearly full grown	54	90
At 4 years old, male	60	150
At 4 years old, female, full grown	56	80
At 5 years old, male	68	225
At 6 years old, male, nearly full grown.....	75	350
At full adult age, male	78	450

The nomenclature and technical terms of seal hunters have changed somewhat [within the past eighteen years]. We hear of "cows" instead of "clap-matches," "bulls" instead of "wigs," and "bachelors" or "holuschuckie" instead of "yearlings."

THE PUPS.

BIRTH.

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The pups are born on the rookeries, and remain with their mothers, living wholly upon their mother's milk until they can go into the sea and care for themselves.

* * * * *

They are called "black" and "gray" pups; black before they shed their first coat and gray afterwards. As they grow older the gray turns darker, except upon the neck and head; but the color of the hair does not affect the fur, which can be seen by parting it. The thickness and length of the fur determines the value of the skin.

J. Stanley Brown, p. 13. The birth of the pups is nearly synchronous with the arrival of the mothers.

The young on being born have all the appearance of pups of a Newfoundland dog with flippers. On emerging from *J. Stanley Brown, p. 15.* their warm resting place into the chill air they utter a plaintive bleat not unlike that of a young lamb. The mother fondles them with many demonstrations of affection, and they begin nursing soon after birth.

The pup seal is born on the rocky shores of these islands, the mother evidently preferring a spot covered with broken *Chas. Bryant, p. 4.* lava rocks to the sand beaches. The birth takes place within two or three days after the female lands, and often within a few hours. When born the pup weighs from 4 to 5 pounds, and spends the first six weeks of its existence on land.

The pup when born weighs about 4 or 5 pounds, and is covered with shiny black hair, beneath which there is no fur. When four or five months old this black hair is *Geo. Comer, p. 598 (An-* shed, and new hair of a brownish-gray color comes *arctio*). out, and the fur appears beneath it.

A young seal or "pup" when first born weighs from 6 to 8 pounds, is almost black in color, and is covered with a short hair, which changes to silver-gray hair when the *Saml. Falconer, p. 164.* pup learns to swim.

The place of birth is on the breeding grounds, which takes place soon after the female lands, generally within two days.

The pups are born soon after the cows arrive, and remain until October and November, and when they return, the following season, do not stay on land much of the time. *C. L. Fowler, p. 25.*

I do not know whether the mother seal has the power of voluntarily restraining and postponing the involuntary act of labor or not, but it would almost seem as if she had, as on many occasions she will have but just dragged herself ashore when she will give birth to her young. This may be a coincidence only, but when not disturbed they usually come ashore with plenty of time to make themselves comfortable.

The pups are born soon after the cows reach the *Nicoli Krukoff, p. 133.* rookeries.

The young seals, called "pups," are born in June and July upon the grounds on these islands known as "breeding rookeries." They are at birth very clumsy and helpless, possessing little ability to move about on land. *H. H. McIntyre, p. 41.*

Within a few days after landing (it may be but a few hours or even minutes, as I have seen) the female gives birth to her young, but one being brought forth each year. The reported occasional birth of twins is not verified. These little ones, "pups," as they are called, are comparatively helpless, particularly awkward in movement, and, unlike the hair seal, are unable to swim.

And the pups are born soon after the cows land on the rookeries. When the pup is born it is utterly helpless and would drown if put into water. Those born nearest the water are often drowned in the surf when the sea is rough in stormy weather. *Anton Melovedoff, p. 144.*

The pup seals are born on the breeding rookeries on St. Paul and St. George islands during the months of June and July. *T. F. Morgan, p. 61.*

For the first six or eight weeks of its life a pup is a land animal, having a coarse hair, but no fur. This coarse hair is shed before the fur appears. *J. H. Moulton, p. 79*

As a rule the pups are born soon after the cows reach the shore,
L. A. Noyes, p. 81. **though it occasionally happens that a cow will be two or three days on the rookery before bringing forth her young.**
I think the pups are all born by July 22.

J. C. Redpath, p. 148. **And I believe they bring forth their young almost immediately after reaching their places on the rookeries.**

Thomas F. Ryan, p. 174. **The cow gives birth to her pup soon after arriving on the breeding rookeries.**

Daniel Webster, p. 180. **The young seals are born on the breeding rookeries in June and July.**

INABILITY TO SWIM.

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The pups are born between the middle of June and the middle of July, and can not swim until they are 6 or 7 weeks old; and if born in the water they would die. *K. Artomanoff, p. 100.* **I have seen the surf wash some of the young pups, into the sea, and they drowned in a very short time.**

When the pups are born they can not swim and the mothers take them to the water's edge, where one can see thousands paddling and struggling in the surf. *William Brennan, p. 359.* **The noise made by the mothers crying for their pups, and the bleating of the pups in answer, make a constant roar.**

The pup during the first months of its life is not amphibious. It does not even use its flippers as the maturer *J. Stanley Brown, p. 16.* **seals. * * ***

The pups are afraid of the water; they have to learn to swim by repeated effort, and even when able to maintain themselves in the quiet waters will rush in frantic and ludicrous haste away from an approaching wave. I have taken pups two or three weeks old and carried them out into still water, and they awkwardly but in terror rapidly floundered toward the shore, although they could have escaped me by going in the other direction. In three trials, paddling in all about 60 feet, the pups became so exhausted that they would have been drowned had I not rescued them. If the pups when collected in groups or pods near the shore were to be overtaken by even a moderate surf they would be drowned, and such accidents to them do occur on the island before they have entirely mastered the art of swimming.

The pups are born on the rookeries and are unable to swim till six or eight weeks of age. *Jas. W. Budington, p. 595. (Antarctic.)* **If one gets washed off the rocks before that time it is drowned. A pup born in the water or on the kelp would certainly perish.**

S. N. Buynitsky, p. 21. **A pup is at least a month old before it learns to swim. Before that it not only can not swim, but is afraid of the water.** Digitized by Google

The young seals at birth are very helpless. They can not swim and seem to have no desire to learn. When they are six or seven weeks old, if the beach on which they lie slopes down very gradually to the water and the waves roll in on it, they will voluntarily commence to paddle about and finally get afloat without particular urging from the older seals, but if the rocks are abrupt at the water's edge the old ones must push them over into the sea or seize them by the neck, as a mother cat handles her kitten, and drop them into the water before they will learn to swim. In such cases the "pups" often struggle to get back upon land.

A pup does not go into the water until he is three or four months old, and then he works in gradually from the puddles into the surf, and I have seen "clap *Geo. Comer, p. 598* (Ant-matchies)" in stormy weather pick up their pups *arctica*) in their mouths and carry them out of reach of the waves.

A pup when first born can not sustain itself in the water and would unquestionably perish. *W. H. Dall, p. 23.*

Once, in the month of June, I caught a seal that had a pup in it. I carefully cut the pup out of its mother and placed it in the water and it drowned. I have often cut pups out of the mother seal and tried to rear them, but in two or three *Ellabush, p. 385.* days it would sicken and die.

When first born a pup can not swim, and does not learn so to do until it is six or eight weeks of age. It is therefore utterly impossible for a pup to be born in the water and live. I have noticed that when a pup of this age is put in the water it seemed to have no idea of the use of its flippers, and was very much terrified. A pup is certainly for the first six or eight weeks of its life a land animal, and is in no sense amphibious.

The pups are born soon after the arrival of the cows, and they are helpless and can not swim, and they would drown if put into water. The pups do not learn to swim until they are six or eight weeks old, and after learning they seem *Jno. Fratis, p. 108.* to prefer to be on the land.

A pup seal until it is six weeks or two months old never goes into the water, being evidently afraid to do so, and it is only after this age that it begins by degrees to *H. A. Glidden, p. 110.* become acquainted with the sea. I am of the opinion if a pup got into the water that it would be drowned and therefore would perish if born in the water. For the first six or eight weeks of its life a pup is a land animal and in no way amphibious.

A new-born pup seal is unable to swim, and is afraid of the water. I have seen a cow seal push her pup from a rock into the water, where it floundered about in a *Louis Kimmel, p. 174.* helpless manner until the mother would go in,

take it in her mouth as a cat carries kittens, and bring it again ashore, only to again push it off the rock into the water. My observation has been that a pup is generally about two months old before it can swim.

The pups are helpless when born, and they can not swim; and they would drown if put into water, and I have seen *Nicoli Krukoff*, p. 133. them drown when swept off by the surf in bad weather.

The pups when first born can not swim, and will drown if they are put into water.

Agget Kushen, p. 129. I have seen many pups drowned when washed off the edge of the rookery by the surf. They do not go into the water until they are six or eight weeks old, and then they will keep in shallow water and close to the shore for several days more.

They seem to like to stay on land until late in the season.

And if born in the water, or swept from the shore soon after the birth, as I have several times witnessed, by the *H. H. McIntyre*, p. 41. outgoing surf of heavy seas, perish from inability to swim. At this time they are simply land animals, with less aquatic instinct and less ability to sustain themselves in water than newly-hatched ducklings.

The pups, when born, can not swim or help themselves in any way, and they are entirely dependent on the cows for sustenance. They are 6 or 8 weeks old before they can swim, and were they put into the water when born they would perish, for they are not then amphibious.

When first born a pup can only live upon land, is not amphibious, and is unable to swim. If it is washed off into *T. F. Morgan*, p. 61. the sea by the surf it is drowned, as I have often seen.

A pup is also unable to swim, and I have seen pups thrown in the water when their heads would immediately go under and they would inevitably drown if not rescued.

The pup when born is as helpless as a newborn lamb, and as incapable of living upon the water. It is not until six *S. R. Nettleton*, p. 75. or eight weeks old that the pup of the fur-seal can swim. If, as is often the case, a pup should be swept from the rookery into the surf before it had learned to swim, it would be drowned. Every season young pups in more or less numbers are thus drowned.

When the pup is born it is utterly helpless and dependent; it is not amphibious, and would drown if put into water. *L. A. Noyes*, p. 82. I have often watched the pups near the water's edge when in stormy weather the surf carried them off, and in every instance they drowned as soon as they went into deep water.

They are not amphibious when born, nor can they swim for several weeks thereafter, and were they put into the water would perish beyond a doubt, as has been well established by the drowning of pups caught by the surf in stormy weather. *J. C. Redpath, p. 148.*

A pup does not swim when first born, and is generally two months old before it goes into the water. *T. F. Ryan, p. 175.*

The pups are not able to go with their mothers and drown, if by mischance, they are thrown into the sea before they are three or four weeks old. They stay with the bulls on the breeding grounds until about six or seven week old before learning to swim. *C. M. Scammon, p. 475.*

From my observations I am convinced a pup must be six or eight weeks old before it can swim, and that a female generally teaches her own pup the use of his flippers. *W. B. Taylor, p. 176.*
Birth in the water would mean immediate death to the pup, both because of the fact last stated and from the further fact that for a day or two after birth a pup is entirely helpless. In my judgment, then, a seal pup for the first few weeks of its life is a land quadruped and in no sense an amphibian. I believe that a seal is naturally a land animal, as all copulation, birth, and nursing takes place on shore, and the only reason I think the seals seek the water is because they are compelled so to do in order to obtain food. This is verified from the fact that the seals remain on land as long as possible until the need of food and severity of the weather compel them to take to the sea.

The head constitutes the greater part of this animal at this time [birth], and they are clumsy and awkward in all their movements, and if swept into the water by accident or otherwise would perish from inability to swim—a fact that I have often observed, and one which is well known to all who have paid any attention to the subject. Practically they remain in this helpless condition, though taking on fat rapidly, until they are from 6 to 7 weeks old, when they commence to go into the shallow water, and, after repeated trials, learn to swim; but even then they spend most of their time on land until they leave the islands late in November. During the first few weeks after their birth they are not amphibious, and land is a necessity to their existence.

A young seal does not take to the water naturally. He has to be taught to swim. The hair-seal will pup anywhere and the pups will go right into the water, but the fur-seals are forced to go ashore to bring forth *Capt. Olsen, p. 505.* their young and forced to leave their young on land, while they go into the water to feed and bathe.

AQUATIC BIRTH IMPOSSIBLE.

[See also "Birth on Kelp Beds Impossible."]

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Never heard of a seal pup being born in the water nor on the land, but have heard they are born on some islands in Bering Sea. In the winter a few pups are driven into the bay by the storms.
Akatos, p. 237.

I have never seen a fur-seal pup of the same season's birth in the water at sea; neither have I any knowledge of any *Andrew Anderson*, p. 217. being born elsewhere than on a regular rookery.

Have never known any seal pups to be born in the water nor anywhere else in Alaska outside of the Pribilof Islands.
Peter Anderson, p. 313.

We have never seen fur-seal pups about this part of the coast, and have no knowledge of any being born elsewhere *Nicoli Apockches et al.*, p. 224. than on the rookeries of the seal islands in Bering Sea.

Never have known fur-seal pups to be born in the water, nor have I ever heard of pups being born in the water or anywhere else on Alaska.
Atenas-Kos, p. 237.

Chas. Avery, p. 218. I do not think that seals can be born in the water and live.

Have never known of pups being born in the water or anywhere else on the coast outside of the Pribilof Islands.
Adam Ayonkee. p. 255.

Q. Have you ever seen any seals born in the water, and is it your opinion that it is possible for them to be born in the water?—A. No, sir; they are not like sea-otter, they being born in the water. A seal is just as helpless in the water, until they are about six weeks or two months old, as a child.

Wm. Bendt, p. 405. And, further, I do not believe it possible for the female to give birth to its young in the water and have it live.

Wilton C. Bennett, p. 356. I have never known any seal pups to be born in the water or on the coast anywhere, except on the Pribilof Islands.

Edward Benson, p. 277. I have never known any pups to be born in the water or on the land.

Never have heard of or seen any pups being born in the water or anywhere else on the coast outside of the Pribilof Islands.
Martin Benson, p. 405.

Henry Brown, p. 318. I have never known a black pup to be captured on the coast.

Were not the seals in their organs of reproduction, as well as in all the incidents of procreation, essentially land animals, the fact that the placenta remains attached to the pup by the umbilical cord for twenty-four hours or even more after birth, would show the impossibility of aquatic birth. I have seen pups dragging the caud over the ground on the third day after birth. Even could the pup stand the buffeting of the waves it would not survive such an anchor. No pup could be born in the water and live. Doubtless the habits of the sea-otter have become confused with those of the fur-seal.

Cow seals can not give birth to their young in the water or on the kelp and have them live. I have never seen nor known of any pups along the coast that were born in the same year, and I have never known any cow seals to be caught along the coast that had given birth to their young, and in whose breast there was milk, and it is very seldom that we catch a full-grown cow that does not have a pup in her.

During this period the pup is in no sense an amphibian, being as helpless in the water as a young chicken; it can not swim, and when thrown in the water would inevitably drown if not rescued by its mother or by man. Therefore, if a pup was born in the water it would certainly perish. I have seen cases where a mother, being taken by the pains of parturition, sought the nearest beach rather than a rookery, not having time to reach the latter before the birth of her pup. If pups could be born in the water such cases as the last stated would not occur.

If a pup should be born in the water it would unquestionably be drowned; but I believe that it is an absolute impossibility for successful birth to take place in the water, for the reason that the mother would die of exhaustion before or while bringing forth her young.

Once I killed a cow in milk, the only one of the kind I have ever known being caught on the coast.

Have never known any seal pup born in the water, nor on the coast anywhere outside of the Pribilof Islands.

We have never seen fur-seal pups of the same season's birth in the water at sea, and do not believe it possible for for them to be successfully reared except on a rookery, *Vassili Chichinoff et al., p. 219.*

Have never known or heard of pup seals being born in the water, nor on the land anywhere in Alaska.

I never knew of fur-seal pups being born anywhere except on a rookery, and do not believe they can be successfully raised under other conditions. *Julius Christiansen, p. 219.*

Peter Church, p. 257. Never have known any pups to be born in the water.

Have never known or heard of any fur-seal pups being born in the water or on the land in any part of Alaska or British Columbia.
Wm. Clark, p. 293.

Q. Have you ever seen any seals born in the water, and is it your opinion that it is possible for them to be born in the water?—A. No, sir; they would drown if born in the water.
Danl. Claussen, p. 412.

Never have known or heard of pups being born in the water or elsewhere outside the Pribilof Islands.
Jno. C. Clement, p. 258.

A pup born in the water or on a bed of kelp would certainly be drowned, and during all my experience I never saw a black pup seal on kelp or in the water.
Geo. Comer, p. 590 (Antarctic).

From my knowledge of natural history and from my observations of seal life I am of the opinion that it would be impossible for the young seals to be brought forth and kept alive in the water. When it is the habit of an animal to give birth to its young upon the land it is contrary to biologic teaching and common sense to suppose they could successfully bring them forth in the water.
W. H. Dall, p. 23.

Jeff. Davis, p. 384. I never saw a black pup on the coast, and this year I have seen but very few yearlings.

I have never known of a pup seal being born in the water or on the land anywhere in Alaska outside of the Pribilof Islands.
Hooniah Dick, p. 258.

Have never known any pups to be born in the water, nor on the land on the coast of Alaska anywhere outside of the Pribilof Islands.
Geo. Dishow, p. 323.

I have never known of any fur-seal pups being born in the water or on the land in British Columbia or Alaska, but have heard they are born on the Pribilof Islands.
Wm. Duncan, p. 279. The Indians have always reported to me when they returned from hunting that the seal had all gone north to have their young.

Echon, p. 280. Have never known any pup seal to be born in the water or anywhere else in this part of Alaska.

Chief Frank, p. 280. I have never heard of seal pups being born in the water.

Q. Have you ever seen any seals born in the water?—A. No, sir.
Luther T. Franklin, p. 425. Q. In your opinion, is it possible for them to be born in the water?—A. No, sir; it is not possible.

Q. Have you ever seen any seals born in the water, and is it your opinion that it is possible for them to be born in the water?—**A.** I do not think it is possible for them to be born in water; no, sir. *Edward W. Funoke, p. 428.*

Nor have I ever heard of any pup seal being born in the water or anywhere else in Alaska, and had they ever been born in the water or on the islands or rocks of Alaska some of my tribe would have known it and it would have been reported to me. *Nicoli Gadownen, p. 250.*

Have never known or heard of pups being born in the water or anywhere else on the coast outside of the Pribilof Islands. *Chad. George, p. 366.*

I have never known of pups being born in the water or on the land anywhere around Alaska. *Chas. Gibson, p. 281.*

I have never heard of nor known of seals being born in the water. *Thos. Gibson, p. 432.*

Never have heard of any pup seals being born in the water. *Gonastut, p. 238.*

Have never known any pups to be born in the water or on the land around the coast of Alaska. *Jas. Gondowen, p. 259.*

I have never seen a mother seal or a black pup in this region. *Kassian Gorlo, p. 213.*

Have never heard of pups being born in the water or anywhere else on the coast outside of the Pribilof Islands. *Jas. Griffin, p. 433.*

Q. In your opinion, are any of the pups born in the water, or anywhere outside of the seal islands?—**A.** It has never come under my observation. I have never seen a seal on shore. I have never seen the seal islands yet; that is, St. George and St. Paul, I have never seen. I have seen the Copper Islands, on the Russian side. *Chas. G. Hagman, p. 435.*

Have never known any pups to be born in the water or on the land anywhere in Alaska. *Henry Haldane, p. 281.*

Have never known of any pups to be born in the water or on the land outside of the Pribilof Islands. *Martin Hannon, p. 445.*

Q. In your opinion, are any of the pups born in the water or anywhere else outside of the sea islands?—**A.** No, sir; I don't think it. *H. Harmsen, p. 442.*

Nor have I ever heard of pups being born in the water, or on the land in any part of Alaska, except on the Pribilof Islands in Bering Sea. *Sam Hayikahtla, p. 239.*

And I have no reason to believe that the pups are born in the water or that they can be saved in the water if accidentally born there.

M. A. Healey, p. 29.

Q. Have you ever seen any seals born in the water, and is it your opinion that it is possible for them to be born in the water?—**A. I think it impossible for seals to be born in the water.**

Wm. Henson, p. 484.

Q. Have you ever seen any seals born in the water, and is it your opinion that it is possible for them to be born in the water?—**A. No, sir; I have never seen any born in the water, and I think it is impossible for them to be born in the water.**

Andrew J. Hoffman, p. 447.

E. Hofstad, p. 260. **Have never known a pup to be born in the water or anywhere else on the coast of Alaska.**

O. Holm, p. 368. **I have never known any seal pups to be born on the water, or on the land anywhere, except on the Pribilof Islands.**

Gustave Isaacson, p. 440. **Q. In your opinion, are any of the pups born in the water?**—**A. I don't think so.**

Q. Or anywhere else except on the seal islands?—**A. I don't think so.**

Q. Have you ever seen any seal pups in the Pacific that were younger than those born the year previous?—**A. Down at Guadaloup Island about three months ago, I killed a cow there that had a pup that was too young to come from the Bering Sea and evidently had been born around there. That is about the only case I have seen.**

Q. The pups that you see in the Pacific this year are those born last year. You don't see those born this year?—**A. No, sir; I do not.**

I have never killed a cow on the coast that had given birth to her pup and was giving milk, nor have I ever seen a pup born the same year.

Ishka, p. 387.

Victor Jacobson, p. 329. **I have never known the fur-seal to give birth to their young in the water.**

And I have never known of anyone taking a young seal on the coast that was born that year, nor do we catch any cow seals on the coast that have given birth to their young that year.

Jas. Jamieson, p. 331.

Q. In your opinion, are any of the pups born in the water, or anywhere outside of the seal islands?—**A. I think they are born on land.**

Frank Johnson, p. 441.

J. Johnson, p. 331. **I never have seen a pup born in the water, nor have I ever seen one born on shore outside of the Pribilof Islands.**

Selwisch Johnson, p. 388. **I have never caught a cow in milk along the coast, nor a small pup that had been born that year.**

Have never known of a fur-seal pup being born in the water, or along this coast. *P. Kahktday, p. 261.*

Never have seen or heard of pups being born in the water or on the coast outside of the Pribi-lof Islands. *Philip Kashkaroff, p. 262.*

Have never seen fur-seal pups born in the water or on the land in British Columbia or Alaska. *King Kaskwa, p. 295.*

I have never known seal pups to be born on the land anywhere in the water in this part of Alaska. *Jim Kasooch, p. 296.*

Have never known any pups to be born in the water or on the coast of Alaska. *Mike Kethusduck, p. 262.*

Have never heard of pups being born in the water anywhere along the coast of Alaska in my life. *Geo. Ketwooschish, p. 251.*

He has never seen baby seals in the vicinity of Barclay Sound. He never knew of one to be born in the water, and never heard of it. *Kickiana, p. 308.*

I never have known of seals being born in the water. In fact I do not believe they are, except by accident, in which cases they would certainly die, as young seals have to be taught to swim by their mother, just as children have to be taught to walk. *Jas. Kiernan, p. 450.*

It is my opinion that a pup born in the water would drown in a very few minutes. *Louis Kimmel, p. 174.*

Have never seen or heard of a fur-seal pup being born in the water. *Kinkooga, p. 240.*

Have never known of fur-seal pups being born in the water or on the coast of Alaska around here. *C. Klananeek, p. 263.*

Have never known any pups to be born in the water or on the land anywhere in Alaska or British Columbia, and I don't know where they are born. *Jas. Klonacket, p. 283.*

I have never known any pups to be born in the water. *Robert Kooko, p. 296.*

Have never known any pups to be born in the water, or anywhere else on the coast, but have heard that they are born on the Pribilof Islands and nowhere else. *Jno. Kowineet, p. 284.*

I have never seen a live pup of the same season's birth in the water. *Olaf Kvam, p. 236.*

Have never heard of pups being born in the water or on the land along the coast of Alaska. *Geo. Lacheek, p. 265.*

Andrew Laing, p. 335.

Fur-seals do not give birth to their young in the water, neither will the pup seal live if born in the water.

I have never known of any pup seals being caught in the water (except those in embryo) that were less than several months old, nor are any such ever offered to the trade, showing conclusively to my mind that they are not born at sea.

Isaac Liebes, p. 454.

The Indians frequently offer "black pups" for sale, but only such as they have removed from the womb of the mother seal.

Thos. Lowe, p. 371. I have never killed nor saw a cow in milk, along the coast, nor one that had recently given birth to her young.

Q. Have you ever seen any seals born in the water, and is it your opinion that it is impossible for them to be born in the water?—**A.** Seals can not be born in the water.

Chas. Lutjens, p. 459. Have never known pups to be born in the water or on the coast of Alaska or on the islands adjacent thereto, and I have spent 5 years on the coast of Alaska.

Jas. McKeen, p. 267. Have never known any pups to be born in the water or elsewhere outside of the Pribiloff Islands.

Q. In your opinion, is it feasible that pups can be born in the water and live?—**A.** I don't believe they can be born in the water at all and live. I have heard several people express themselves differently. I think myself it is impossible. Seals have got to haul up on land to breed, and leave their pups on shore.

Dan'l McLean, p. 444. **Q.** In your opinion, are any of the pups born in the water or anywhere else out of the seal islands?—**A.** I have never seen any.

Q. Have you ever found any seal pups in the Pacific that were younger than those born the year previous?—**A.** No, sir; I have never seen any.

Pups, if born in the water, are sure to drown. It is a matter of actual observation that they must first learn to swim, and do not leave the shore until they are 4 or 5 months old. I have often seen the mother seals push their pups, when several weeks old, into the water and watched them flounder about awkwardly and scramble ashore, seeming delighted to get back.

Jno. Malowansky, p. 198. I have never known any fur-seal pups to be born in the water or on the land around this part of Alaska or British Columbia

Chas. Martin, p. 297. I have never seen a pup born in the water, nor have I ever heard of a pup being born on the land around this part of Alaska.

I have never known any pups to be born in the water or any on the land in this part of Alaska. *Amos Mill, p. 285.*

Have never known of pups being born in the water or anywhere else on the coast of Alaska outside of the Pribiloff Islands. *G. E. Miner, p. 466.*

Q. Have you ever seen any seals born in the water and is it your opinion that it is possible for them to be born in the water?—A. They are not born in the water. *Frank Moreau, p. 468.*
A seal can not swim when it is first born.

I never saw nor heard of any young pups being born in the water. *Eddie Morehead, p. 467.*

If a pup was born in the water it could not possibly live and I have never heard of such a case. A further fact in this connection is that the females never come to the islands accompanied by a pup. *T. F. Morgan, p. 62.*

The statement that the fur-seal may bear and rear its young at sea as well as on land is, in my opinion, wholly gratuitous. I am unable to conceive of any ground whatever upon which to base such an assertion. *J. M. Morton, p. 67.*

When born the "pup" is an exceedingly stupid animal, with an abnormal development of head, and is apparently incapable of any exertion, except in the way of exercising its lungs. At this time it is certainly not an amphibious animal, for it does not attempt to approach the water for a month or two after its birth, and in its first natatorial efforts not only does it seem to require instruction from the older seals, but considerable practice is also necessary in the shallow waters along the beaches before it dares to venture away from the shore and among the turbulent waves of Bering Sea. In my opinion, the seal "pup" when its first introduction to the world takes place at sea must inevitably perish. Assuming that it might float on the surface of the water for a while, what is to become of it during the long voyages the mother must now make in search of nourishment for it and herself! The supposition that it would be able to accompany her on such journeys is equally as absurd as the idea of its being left unprotected on the surface of a stormy sea while awaiting her return.

There is no doubt that a seal born in the water would at once perish. *J. H. Moulton, p. 72.*

Have never known any pups to be born in the water or on the land in British Columbia or Alaska. *Smith Natch, p. 299.*

I have never seen any pup seal born in the water or on the land anywhere around British Columbia or Alaska. *Dan Nathlan, p. 287.*

I have never known any pups to be born in the water or on the land around this part of Alaska. I am a very old man, and I have never even heard of it. *Jos. Neishkaatk, p. 287.*

I have never seen a pup in the water, and do not believe they can be born in the water. If they are born in the *Niles Nelson, p. 470.* water they would drown.

If for any reason the cow should not be able to reach the rookery in time to give birth to her pup and it should be *S. B. Nettleton, p. 75.* born in the water, the pup would of necessity be drowned.

I have never known or heard of pups being born in the water or on the land anywhere in British Columbia, Queen Charlotte Islands, or Alaska. *Nikla-ah, p. 288.*

John Olsen, p. 471. I do not believe mothers give birth to their young in the water.

Peter Olson, p. 288. I have never known of any fur-seal pup to be born in the water or haul up on the land anywhere in Alaska.

I have never killed an old bull or barren cow along the coast, neither have I killed a cow in milk along the coast, or anywhere else than in the Bering Sea. Small black pups are not seen in the water along the coast. *Osky, p. 391.*

I have visited the different islands in the sound, and never knew any fur-seal to be born in the water or on any of the *Keith Riley, p. 252.* islands in southeastern Alaska.

Pups are not born in water. In some cases females far advanced in pregnancy haul up on coast to give birth; but otherwise seals do not stop, except at Pribilof Islands. *W. Roberts, p. 242.*

I have never seen nor heard of a fur-seal pup being born in the water, or on the rocks, on any part of the coast of Alaska, but have heard that seal are born on the Pribilof Islands. *Rondus, p. 242.*

Never knew any fur-seal pups to be born in the water or anywhere else in Alaska. Have heard that they are born *Sokkatain, p. 243.* on the Pribilof Islands.

In my judgment, and from my knowledge of the habits and conditions of seal life, I would state that a pup born in the *B. F. Scribner, p. 89.* water would certainly perish, and I never saw during my experience a pup land on the island with the females when they arrived in the early summer, and I never heard of such a case.

It is my belief that a pup born in the water would drown, for I am convinced from statements made me by the *L. G. Shepard, p. 180.* natives and those thoroughly familiar with seal habits that a pup for the first weeks of its life is unable to swim.

Never known of pups being born in the water or anywhere in this part of Alaska. *Jack Shucky, p. 289.*

I have never seen a fur-seal pup in this region, and know that they are not born outside the rookeries on the seal islands in the Bering Sea. *Alexander Shyha, p. 226.*

Never known or heard of pups being born in the water, but have heard of them being born on the Pribilof Islands. *Martin Singay, p. 268.*

Have never known pups to be born in the water or anywhere else on the coast. *Jack Sitka, p. 269.*

Have never known or heard of a fur-seal pup being born in the water. *Skeenong, p. 244.*

Have never known any pups to be born in the water or on the land in British Columbia or Alaska. *Thomas Skowl, p. 300.*

Nor have I heard of any fur-seal pup being born in the water nor on the land in or around Chatham Sound. *Yuan Slanoch, p. 253.*

I do not believe a seal can be born in the water and live. *James Sloan, p. 478.*

Have never known any pups to be born in the water nor on the coast elsewhere than on the Pribilof Islands. *Fred. Smith, p. 249.*

I have never known of fur-seal pups being born elsewhere than on the aforesaid rookeries. *Jno. W. Smith, p. 233.*

Have never known of pup seals being born in the water, nor anywhere else on the coast outside of the Pribilof Islands. *Wm. H. Smith, p. 478.*

I have never seen any young pups in the water. I do not think they breed in the water. *Cyrus Stephens, p. 479.*

Have never known or heard of pups being born in the water or on the land anywhere outside of the Pribilof Islands. *Joshua Stickland, p. 350.*

Q. Have you ever seen seals born in the water, and is it your opinion that it is possible for them to be born in the water?—A. It is impossible for seals to be born in the water. *Gustave Sundvall, p. 481.*

Pups can not swim at birth, hence the female can not give birth to her young in the water without sacrificing its life. *Z. L. Tanner, p. 375.*

Have never known pups to be born in the water, or on the land elsewhere than the Pribilof Island. *M. Thlkahdaynahkee, p. 269.*

Have never known any pups being born in the water or on the land on the coast of Alaska outside of the Pribilof Islands.
W. Thomas, p. 485.

Thunk, p. 245. Have never known or heard of any fur-seal pups being born in the water.

Charlie Tlaketas, p. 270. Never knew of pups being born in the water.

Toodays Charlie, p. 249. Have never heard, nor do I believe there ever was, any pups born in the water.

Peter Trearshoit, p. 271. Never heard of nor seen pups born in the water or on the coast of Alaska, outside of Pribilof Islands.

Twongkwak, p. 246. Have never heard of seal pups being born in the water nor anywhere else in Alaska.

Have never seen or heard of pups being born in the water or on the land on the coast of Alaska, Have heard that pups are all born on the Pribilof Islands.
Jas. Unatajim, p. 272.

George Usher, p. 291. Have never seen any pups born in the water.

Have never known a pup to be born in the water. I have never known of a pup seal being born on the rocks of the coast anywhere. Have heard they are born on the Pribilof Islands.
Rudolph Walton, p. 272.

Charlie Wank, p. 273. Never have known of pups being born in the water, nor elsewhere on the coast of Alaska.

Watkins, p. 395. Nor can they give birth to their young in the water or the kelp and have them live.

P. S. Weittenhiller, p. 274. I have never known any pups to be born in the water or anywhere else except on the Pribilof Islands.

From my experience and observation relative to the fur-seal I am firmly of the opinion that it is a physical impossibility for the mother seal to give birth to her young in the water and preserve it; but that it is necessary for her to haul up on the land to give birth and rear her young. I have never known or heard of their giving birth to their young other than on their regular hauling grounds.
Michael White, p. 301.

Billy Williams, p. 301. Have never known any pups to be born in the water or on the land in any part of British Columbia or Alaska.

Fred Wilson, p. 301. I have never heard of pups being born in the water or on the land anywhere on the coast of British Columbia or Alaska.

They do not give birth to their pups in the water nor on the kelp. Have never seen a black pup in the water along the coast, but used to capture a great many gray *Wispoos*, p. 396. pups, but this year I have not seen one.

Have never known nor heard of pups being born in *Michael Wooskoot*, p. the water nor on the coast of Alaska outside of 275. the Pribilof Islands.

I go from Icy Bay to Sitka Sound and come in contact with the people of different tribes of Indians, and have never seen myself nor heard other Indians say that *Fahkah*, p. 246. they had seen fur-seal pups born in the water.

* * * * *
When I was a small boy, a few pup seals used to be driven into the bays by hard storms on the coast.

Have never seen or heard of any pups being *Billy Yellachy*, p. 302. born in the water or on the land around this part of Alaska.

Have never known any pups to be born in the *Hastings Yethnow*, p. 303. water or on the land anywhere in British Columbia or Alaska.

I have never seen any pups born in the water. *Alf Yohansen*, p. 369.

Nor have I ever seen or heard of pups being *Paul Young*, p. 292. born in the water.

Have never seen any pups born in the water *Walter Young*, p. 303. or on the land anywhere on the coast of Alaska or British Columbia.

I have never seen a young black pup along the *Hish Yulla*, p. 398. coast.
* * * * *

I never killed a cow in milk along the coast.

I never have seen any pups born the same year, *Thomas Zolnoks*, p. 398. nor have I ever caught any cow seals on the coast that were in milk.

BIRTH ON KELP BEDS IMPOSSIBLE.

Page 104 of The Case.

(See "Aquatic Birth Impossible.")

I have never seen young seals born at sea, nor on kelp; nor do I believe they can live on kelp beds. *N. W. Anderson*, p. 223.

Nor do they ever give birth to their young on the kelp. *Bernhardt Bleidner*, p. 315.

Bowa-ohup, p. 376.

Seals do not give birth to their young in the water nor on the kelp; if they did they would be drowned and die.

Thos. Brown (No. 1), p. 319.

I do not think that seals give birth to their young on the kelp.

Landis Callapa, p. 379.

Nor do I think that they give birth to their young upon the kelp.

Charlie, p. 304.

Seals do not give birth to their young in the water nor on the kelp.

Nor do they give birth to their young on the water or on the keld.

I never caught any little black pups along the coast. I used to catch a great many gray ones on the coast, but caught but one this year.

Louis Culler, p. 321.

The seals do not give birth to their young in the water, nor upon the kelp.

I have never seen seals born in the water or on beds of kelp, nor do I believe a young pup could live if brought forth at sea.

Jas. Dalgarduo, p. 364.

Nor do they give birth to their young in the water nor on the kelp.

Jeff Davis, p. 384.

They do not give birth to their young in the water or on the kelp.

Dick, or Ehenchesut, p. 306.

He states that there are no kelp patches outside, where seals resort or where they breed.

Ellabush, p. 385.

I have never known pups to be born in the water nor on the kelp.

F. F. Feeny, p. 220.

I have never seen nor heard of a seal born at sea nor on kelp.

Wm. Foster, p. 220.

I have never seen pups born on kelp beds, and I am certain they can not live and thrive on kelp beds.

We have never seen fur-seal pups of the same season's birth in the water or on patches of floating kelp, and do not think they could be successfully raised under such conditions.

Arthur Griffin, p. 326.

Nor do they give birth to their young on the kelp.

It is asserted that the fur-seals give birth to their young also on kelp patches, and lie asleep on their backs, with their offspring in their embrace, clasped to their breasts.

W. S. Hereford, p. 34.

This is descriptive of the sea-otter, but is not true of the fur-seal.

I have never seen a young fur-seal pup of the same season's birth in the water at sea nor on a patch of floating kelp, and in fact never knew of their being born anywhere save on a rookery. I have, however, cut upon a gravid cow and taken the young one from its mother's womb, alive and crying. I do not believe it possible for a fur-seal pup to be successfully raised unless born and nursed on a rookery. I have seen fur-seals resting on patches of floating kelp at sea, but do not believe they ever haul up for breeding purposes anywhere except on rookeries.

Nor neither do I believe it to be possible for them to have their young in the water or on the kelp and have their pups live. *Alfred Irving, p. 387.*

Nor do they give birth to their young in the water or upon the kelp. I think a pup born in water or upon kelp would sink and die. *Ishka, p. 387.*

Nor [do seals] give birth to their young in the water or on the kelps. *Selvish Johnson, p. 388.*

I have no knowledge of fur-seal pups being born in the water or on patches of floating kelp, and do not believe they could be successfully raised under such conditions. *Frank Korth, p. 235.*

I never saw a pup seal in the water nor on beds of kelp, and I do not believe it possible for them to be raised there. *E. L. Lawson, p. 221.*

I have never known of fur-seal pups being born on patches of floating kelp or in the water, at sea, or anywhere in fact, save on regular rookeries; neither do I believe it possible for them to be reared successfully under any other circumstances. *James E. Lennan, p. 370*

Nor do I believe that they give birth to their young in the water or on the kelp. *James Lighthouse, p. 389.*

Nor do I believe they give birth to their young in the water or on the kelp. *Thomas Lowe, p. 371.*

Seals do not give birth to their young in the water nor on the kelp. *Moses, p. 309.*

I have never seen any pups born on kelp. *P. C. Muller, p. 223.*

I do not believe that pups born on kelp could be properly nursed and brought up. I do believe that it is necessary to their successful existence that they be born on land, since they can not swim at birth. *Arthur Newman, p. 210.*

Seals do not give birth to their young in the water nor on the kelp. *Oely, p. 390.*

Seals do not give birth to their young in the water nor on the kelp. I never saw any black pups in the water, but we *Wilson Parker*, p. 392. used to catch a great many more gray pups than we do now, and I have never captured any cows along the coast that were giving milk and that had given birth to their young that year.

Seals do not haul out upon the land along the coast and give birth to their young; nor do they breed on the kelp. If *Chas. Peterson*, p. 346. ever there was such an occurrence it must have been a premature birth caused by some accident to the female seal, and would result in the death of her young.

I never hunted fur-seals, but I have a knowledge of their habits and movements, and I never saw a pup seal in the water or on a bed of kelp, and I know a pup seal could not live and thrive on a kelp bed. *Wm. Rohde*, p. 222.

William Short, p. 348. Nor do I know of any instances where the seals give birth to their young on the kelp.

John A. Swain, p. 350. Nor do they give birth to their young on the kelp.

John Tyseum, p. 394. Nor do they breed on the kelp or in the water.

Charley White, p. 396. Nor do I think they give birth to the young in the water on the kelp.

Wispoo, p. 397. Seals do not give birth to their young in the water nor on the kelp.

PODDING.

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When the pups grow to be 6 or 8 weeks old they form in "pods" and work down to the shore, and they try the water at *K. Artomanoff*, p. 100. the edge until they learn to swim.

By the middle of July the mothers were going constantly back and forth to sea; the pups, left more to themselves, *J. Stanley Brown*, p. 18. collected in groups—"pods," as they are called—and by the last of July they worked their way down to the shore and began learning to swim.

The pups remain upon the rookeries at or near where they are born until about 5 or 6 weeks old, when they congregate in groups or "pods." *H. H. McIntyre*, p. 41.

At that age [6 or 8 weeks] they form themselves into "pods" and work themselves down to the water's edge. After *S. E. Nettleton*, p. 75. several days of repeated trials and failures they finally learn to swim.

At about 5 weeks old the pups begin to run about and congregate in bunches or "pods;" and at 6 to 8 weeks old they go into the shallow water and gradually learn to swim. *J. C. Redpath, p. 148.*

LOCOMOTION ON LAND.

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It moves in a gait more like going on "all fours," while the adult seal moves by drawing up the hind quarters as a whole and then throwing itself forward its own length. *J. Stanley Brown, p. 16.*

A black pup walks on all fours, raising his body more from the ground than an older seal, and appears to be more of a land animal than his elders. All seals can move *George Comer, p. 598* very rapidly on land when forced to do so, and (*Antarctic*). seem to have remarkable powers of land locomotion when the formation of their flippers and body are taken into consideration.

During this period, also, a pup moves very much like a young kitten, using its hind flippers as feet. *Samuel Falconer, p. 164.*

Another point that shows a pup is a land animal during the first weeks of its existence is, that it uses its hind flippers as feet, running on them in much the same manner as other land animals, while a seal that has learned to swim drags his hind flippers, using his front flippers to pull himself along. *J. H. Moulton, p. 72.*

LEARNING TO SWIM.

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When about 4 weeks old the pups get together in groups or pods and approach nearer and nearer to the shore; after a week or so they are down near the surf, but run back terrified whenever a wave comes in. They then begin to get acquainted with the sea, and little by little overcome their terror and learn to use their flippers. I have seen a female sometimes pick her pup up by the back of the neck and carry it out into the water and let go of the little animal, catching it before it drowned and holding it above the waves; this she would repeat time and again until the little fellow got over his terror and began to use his flippers. By the 1st of September nearly all the pups have learned to swim, and until the time of their departure from the islands spend their time both on land and in the water, but by far the greater portion of this period is spent on land.

The pups are born in June and July, and they learn to swim in September. They can not swim when they are born. *Karp Buterin, p. 104.*

When 6 or 8 weeks of age the older seals, generally the mothers, force the young seals into the water and teach them to swim. *Samuel Falconer, p. 164.*

I have seen a mother seal carry her pup out a little way into the water and force the little animal to use its flippers.
Samuel Falconer, p. 165. Finally, after repeated trials, the pup learns to swim, and from that time on spends a good deal of time in the water; but still the greater portion of these first months of its life are spent on land sleeping and nursing.

At 7 or 8 weeks old the pups learn to swim by first paddling in the shallow water, but after learning to swim they *Anton Melovedoff*, p. 144. appear to prefer to stay on land until the cold weather drives them off in November.

When the pups are about six or eight weeks old they begin to herd together in groups called "pods;" these by degrees *T. F. Morgan*, p. 62. work down toward the shore and after several trials and failures at last find the use of their flippers and learn to swim; from this time, the 1st of August or thereabouts, the pup goes into the water at intervals, but remains most of the time on the rookeries until about November, the time which the pup spends in the water depending a great deal on the weather.

In the winter of 1871-'72, I made one of an expedition from San Francisco to the Antarctic fur-seal rookeries of *Arthur Newman*, p. 210. Staten Land, and spent altogether, about a month's time on the rookeries during the months of November and December, 1871, and January, 1872, which is their breeding season. I there observed that a pup is fully a month old before venturing in the water at all, and I do not believe they are expert until between three and four months of age.

When five or six weeks old the pups begin to run around and form bunches or "pods;" at seven to eight weeks old *L. A. Noyes*, p. 82. they try the water at the edge, where, after paddling in the shallows, they gradually learn to swim. And after becoming expert swimmers they continue to show a preference for land, where they generally remain if not driven into the water by heavy rain or warm sunshine.

I have seen thousands of pups learning to swim at the rookeries on St. Paul, and their early efforts were quite as *Z. L. Tanner*, p. 375. awkward as those of a boy when taking his first dip. Their trouble seems to be to keep their heads above water.

During the rutting season the bulls generally remain upon land, while the females are constantly going to and *Geo. Wardman*, p. 178. from the water, feeding and bathing, and teaching their pups to swim, as I believe, which the pups are unable to do for the first six weeks of their existence. In fact, a pup is afraid of the water during these six weeks and needs a good deal of coaxing at first to get him to go into it. Young pups can not be driven into the water by men, and when I tried to drive them in before they had learned to swim they would invariably run back from the water.

DEPARTURE FROM THE ISLANDS.

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They will remain on the island until November, and, if not too cold, will stay till December. I have seen them swimming around the island late in January. *K. Artomanoff, p. 100.*

The pups leave in November and all seals are gone about the middle of December, except when the weather is very fine, and then we often kill seals in January. *Karp Buterin, p. 104.*

On leaving the island the pup goes southward with his mother and companions through the Aleutian passes into the Pacific Ocean. *Samuel Falconer, p. 165.*

And I think they would not leave the islands only for the cold weather, or it may be they follow the cows to sea after being weaned. *John Fratiss, p. 109.*

Toward the first or middle of November the pups leave the islands; they instinctively turn southward toward the Aleutian Islands. *T. F. Morgan, p. 62.*

DEPENDENCE UPON ITS MOTHER.

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(See also "Death of cow causes death of pup.")

The cow is 3 years old before she bears young. The pups are about 45 days old before they can go into the water, but they nurse the mother as long as they stay on the island. *William Brennan, p. 359.*

In the first weeks of its life the pup does not seem to recognize its mother, but the latter will recognize and select her offspring among hundreds. *J. Stanley Brown, p. 15.*

The young seals require the nourishing care of their mother for at least four months, and pups have been killed on the island late in November the stomachs of which were filled with milk. *J. Stanley Brown, p. 16.*

The pup is nursed by its mother from its birth so long as it remains on the islands, the mother leaving the islands at different intervals of time after the pup is 3 or 4 days old. I have seen pups, which I had previously marked by a ribbon, left for three or four days consecutively, the mothers going into the water to feed or bathe. A mother seal will instantly recognize her offspring from a large group of pups on the rookery, distinguishing it by its cry and by smell; but I do not think a pup can tell its own mother, as it will nose about any cow which comes near it.

I don't think a pup is weaned till he is 4 months old. *Jas. W. Budington, p. 595. (Antarctic).*

George Comer, p. 598 Until the pup sheds his black hair he is entirely dependent on his mother's milk for sustenance.
(Antarctic).

Pups require the nourishment from their mothers for at least three or four months after their birth, and would perish if deprived of the same.
W. H. Dall, p. 23.

The only means of sustenance for a pup while it remains on the island is nursing, which it continues till it takes its depar-ture sometime in November, as a rule; but during one exceptionally warm winter some seals remained about the island during the whole winter.
Sam'l. Falconer, p. 165.

The pups have no sustenance except what the cows furnish and no cow suckles any pup but her own. The pups
Jno. Fratiss, p. 165. would suck any cow if the cow would let them.

The difference between a well-nourished pup and one starving to death is also easily recognized; one being plump and lively, growing extremely rapidly, the other slowly dwindling away, its body becoming lean, long, and lanky, the head being the largest and most conspicuous part. The poor little thing finally drops from sheer exhaustion in its tracks, being only a matter of time before it succumbs to starvation. In reference to the time a newly-born seal could live without its mother's care, I can say that I have known one particular pup seal to have positively existed for a period of at least two weeks or more from the moment of birth with not over a pint or so of cow's milk, at the most, which had to be forced down its throat. Perhaps this will be best understood by explaining the circumstances.

Little "Jimmie," as this particular pup was called, was the child of adverse circumstances, as his mother happened accidentally to be caught in a large drive and could not be separated from the herd until the killing ground was reached. Shortly after being parted out and allowed to go free, on her way to the water she hurriedly gave birth to this pup and continued on her journey. The pup was watched carefully for a few days, and when it was thought to have been deserted a kind-hearted employé of the company, Mr. Allis, brought it into the village with a double view of trying to save its life as well as to make a pet of it. For the first few days, as nobody could manage to make him eat and as he would generally get the best of some friendly finger in these attempts at feeding, he was let severely alone. Then followed various contrivances, mechanical and otherwise, for holding his head so as to feed him with a spoon or a nursing bottle, but all to no purpose, for he would get most of the milk everywhere but where it was intended to go. This went on for all of two weeks or more. I then equipped myself with a large syringe and a flexible tube, and about a pint or so of warm, fresh cow's milk. Little "Jimmie's" mouth was kept open, the tube was passed down his throat into his stomach, the syringe filled with milk, in quantity as before stated, and which was unanimously agreed was not too much for him at one feeding, was slowly injected down the tube into his stomach. After the operation the tube was carefully withdrawn and "Jimmie" was left to his own devices. The pup, much to the gratification and amusement of all present, immediately began to show in the most unmistakable manner the greatest of seal delight, i. e., to lie down in the various positions

of seal comfort, on his back and side, and wave and fan himself with his flippers, scratch himself, bleat, etc. As these signs were unmistakable to all present who were familiar with the habits of seals, the operation was thought to be a success. Up to the last time the pup was seen, late that night, he was doing finely, but next morning he was found dead, and I attributed his sudden taking off either to the small boy or an accident during the night.

Another instance is that of a young pup seal born under almost similar circumstances some years previous, and deserted by his mother. It was placed near the water's edge to see if in a few days its mother would not return to it, or maybe it might take to the water naturally and swim across to an adjoining rookery a few yards distant, and possibly there be found by its mother and its life thus be saved. Day after day this pup was watched, but it would not go near the water and neither did its mother return. After several days or so a new employé of that season only, and knowing nothing whatever of fur-seal life and habits, coming along that way and finding the pup in the grass, thinking probably that he had gotten lost from the other side, took him up and threw him into the water, with a view of giving him a chance of swimming back home. It was a mistaken kindness, however, for he was immediately drowned, as he was too young to swim, his head being too heavy for his body.

These cases demonstrate two points, *i. e.*, that a very young fur-seal can live a considerable time without nourishment, several days or more; also that they can not swim, and any and all fur-seals born in the water must necessarily perish.

I remember these two instances distinctly, as I was very much impressed by them at the time. Others might possibly be cited, but I think these will suffice. These two isolated instances show that a young fur-seal can live without its mother's care for a week or so, and that the little fellows on the rookeries, who probably have been nursed to their heart's content before the mother seals took their departure, stand at least an equal, if not superior, chance of life, until their mother's return from the feeding grounds, even giving them wide margins for delays.

The pups driven up for native use in the fall were always full to overflowing with milk, their stomachs containing nothing else. These pups are as round and plump *W. S. Hereford, p. 35.* as partridges, while those dead on the rookeries, unless killed by accidents of some kind, are never of the plump and well-nourished looking order, but are generally lean and thin, bearing all the external signs of neglect and starvation.

They do not eat or drink anything except the *Nicoli Krukoff, p. 133.* milk they get from the cows.

They are nursed by the mother, who, after copulation has taken place, is permitted by the old male to go at will in quest of food. At about six weeks old the young gather *H. W. McIntyre, p. 136.* in groups and shortly after learn to swim, but depend for a long period upon the mother for sustenance, hence her destruction must result in the death of the young through starvation.

Until 1891 we were allowed to kill several thousand pup seals for food in November, about *Anton Melovedoff, p. 144.*

the time they were ready to leave the island. We generally killed ten or twelve for every person on the island, and when we killed them they were always found to be full of milk.

The pup, however, seems to make no distinction between the cows, endeavoring to nurse from any which come near
J. H. Moulton, p. 72. it. Then, too, a pup is not weaned till it is four or more months old, depending entirely on its mother for sustenance.

The pup is entirely dependent on its dam for sustenance, and when it is a few days old she goes into the sea to feed,
L. A. Noyes, p. 83. returning at intervals of a few hours at first, and gradually lengthening the time as the pups grow older and stronger, until she will be, sometimes, away for a whole week.

* * * * *

They make no effort to secure sustenance of any sort beyond that furnished by their dams.

I have examined many pups at the food killings in November, and I never found anything but milk in their stomachs.

At birth and for several weeks after the pup is utterly helpless and entirely dependent on its dam for sustenance, and
J. C. Redpath, p. 148. should anything prevent her return during this period, it dies on the rookery. This has been demonstrated beyond a doubt since the sealing vessels have operated largely in Bering Sea during the months of July, August, and September, and which, killing the cows at the feeding grounds, left the pups to die on the islands.

After learning to swim, the pups still draw their sustenance from the cows, and I have noticed at the annual killing
J. C. Redpath, p. 149. of pups for food in November, that their stomachs were always full of milk and nothing else, although the cows had left the island some days before. I have no knowledge of the pups obtaining sustenance of any kind except that furnished by the cows; nor have I ever seen anything but milk in a dead pup's stomach.

The death of every such mother seal at sea means the death of her pup on shore, because it is absolutely and entirely
Dani. Webster, p. 183. dependent on her for its daily sustenance.

VITALITY.

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(See "The Cows—Feeding Excursions.")

K. Artomanoff, p. 100. When the pup is 2 or 3 weeks old the mother often stays away for five or six days at a time.

He also said that the pups could live on land at least seven or eight days without sustenance and that those born in
Jno. Malowansky, p. 198. the water would immediately drown.

I have noticed in the killing of young seals (pups) for food, in November, that their stomachs were full of milk, although apparently the mothers had not been on the islands for several days previous. *Danl. Webster, p. 180.*

THE BULLS.

ARRIVAL AT THE ISLANDS.

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In May, the bull seals commence to haul upon the rookeries, and the cows come three or four weeks later. *William Brennan, p. 539.*

Old bulls and male seals appear to enter Bering Sea before the cows leave the coast. *Henry Brown, p. 318.*

The records kept upon the islands concerning the arrival of seals show that in the last days of April or first days of May the bulls begin to make their appearance. *J. Stanley Brown, p. 13.* The first arrival on St. Paul in 1871 was on May 4, in 1890 on April 26. In the year 1876 the unusual fact appears in the record that a large number of bulls were in the waters about the island on February 15.

I have further observed the fact that the bulls have a tendency to return to the same place on the same rookery year after year. One bull in particular, which I knew from his peculiarities, returned to the same rock for five seasons. *Chas. Bryant, p. 7.*

In the spring, as early as February or March, the big bulls first came. *Ruth Burdukovski et al., p. 206.*

The "wigs" (the old male seals) are the first seals to arrive on the rookeries; coming about the middle of October. They fight for advantageous places on the beaches and never leave their positions after once being established. * * *

Jas. W. Budington, p. 595. (*Antarctic*).
Seals always go back to the same rookery after a migration and generally endeavor to get the same position on a beach.

The full grown male seals commence to appear about the islands during the latter part of April or first of May. They come from the southeast through the passes between the Aleutian Islands. The bulls, as these seals are called, do not immediately land, but swim about surveying the coast; finally, they come on shore at the breeding rookeries, invariably selecting a shore covered with boulders and avoiding sand beaches, for the reason, I believe, that when the pups are born on these rookeries they may not be swept away by the surf. I believe also that a bull comes back to the same rookery every season. This belief was formed from information I received from several of the natives of the

islands, who told me that they had at one time cut the ears of some pups so that they could be readily distinguished; that when the pups were grown they had noticed each one on a particular rookery, and that in the years following the rookery had the same occupant.

Toward the latter part of October the "wigs," or full-grown males, begin to congregate on the breeding rookeries.

Geo. Comer, p. 597 A "wig" weighs anywhere from 250 to 500 pounds, and must be four or five years old before he has strength and endurance enough to maintain a place on the rookery.

The battles for position between the rival "wigs" are most fierce, but at last they all get their places, and await the coming of the "clap matches," or females.

C. L. Fowler, p. 25. The bull seals arrive on the islands from the latter part of April to June 15.

John Fratiss, p. 108. The seals came to the islands in spring and they came from the southward.

The first bulls arrive late in April or very early in May, and they are coming along till June.

W. S. Hereford, p. 36. The first arrival of bulls is about the same time as formerly, but after that they fill in very much slower.

L. Kimmel, p. 173. The bulls (males 6 years old and upwards) began to come to the island the first part of May.

The seals came to the islands in the spring and they come from the south through the passes of the Aleutian Islands.

Nicoli Krukoff, p. 133. The bulls come first in May.

The bull seal arrives at the island early in May, and takes his place on the breeding rookery, and he stays there until

Aggoi Kushin, p. 129. August or September without food.

The seals come to the islands every year from the southward, through the passes of the Aleutian Islands; and the bulls *Anton Melovedoff, p. 144.* reach the islands late in April or early in May, and they continue to haul out till June. They select their stations on the rookeries, and I believe they generally return to the spot they occupied the previous year.

I have observed certain bull seals return year after year to the same place on the rookeries, and I have been informed *T. F. Morgan, p. 61.* by natives, that have lived on the islands, that this is a well-known fact and has been observed by them so often that they stated it as an absolute fact.

The first arrivals of seals at the islands usually take place early in May.

Jno. M. Morton, p. 66. These are of the class of large bulls which occupy positions on the rookeries.

Upon their return to the islands in the spring the seals approach the land confidently and their occupancy of the rookeries is regular and systematic. That the male seal returns year by year to the same familiar spot or ground on the rookeries, when it is possible for him to do so, appears to be probable. I have seen this fact demonstrated in certain instances without any possibility of error; and when this is considered, and his well-known systematic and methodic habits are taken into consideration, the theory that such is the prevailing practice, at least among the rookery bulls, seems a most natural and plausible one.

I do not know by what instinct they were led to this remote region to which they yearly return. The bulls begin to arrive upon the breeding rookeries about the 1st to the 10th of May; they then select their locations, which they hold during the season.

Early in May the bulls approach the islands and after cautiously and carefully reconnoitering the surroundings haul out and select their stations on the rookeries, where they patiently await the coming of the cows.

* * * In my opinion, the bull seal returns to the spot he occupied the preceding years, and I know of several instances where he could be distinguished by the loss of an eye or flipper, in which he actually did return for a series of years to the same spot.

The bulls generally begin to arrive on the island during the first part of the month of May.

Thomas F. Ryan, p. 174.

ARRIVAL OF THE COWS.

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About one month after the arrival of the bulls or in the first days of June the females begin to appear. In 1891 the maximum of daily arrivals was reached from June 24 to 28.

* * * * * The time of the arrival of the virgin cows is not easy to determine, but from my observation my present conclusion is that they arrive with the cows and for a while spend their time in the water or on the land adjacent to the rookery margin.

The females or "clap-matches" come a month later and are captured by the "wigs" who get as many as they can take care of. We never killed the seals until the females had arrived.

Last of all in early June came the mothers or "matkie" which were in haste to reach the land to be delivered of their young.

The female seals begin to arrive the latter part of May, going directly to the breeding rookeries.

About the 10th of November the females begin to arrive, and land on the breeding rookeries.

*Geo. Comer, p. 598
(Antarctic).*

C. L. Fowler, p. 25. The cows come to the islands between June 1 and July 20.

Jno. Fratis, p. 108. The cows appear about the 10th of June, and they are all on the rookeries about the middle of July.

W. S. Hereford, p. 36. The females for the last few years have been somewhat later [than the bulls] in their arrival.

L. Kimmel, p. 173. The cows did not come till the latter part of the month and the first part of June.

Nicoli Kruckoff, p. 133. The cows begin to haul out in June and they are all on the rookeries about the middle of July.

The cows begin to haul out in June and take their places on the breeding rookeries beside the bulls, where the young pups are born, in from one to three days after the arrival of the cows.
Agget Kushen, p. 129.

My observation has also been that while male seals are sometimes timid about coming ashore, the females being about ready to pup, haul up on the land, even in spite of unusual or unfavorable conditions.
Jno. Malowansky, p. 188.

Anton Melovedoff, p. 144. The cows begin to haul out early in June, and they continue to haul out until about the middle of July.

The females, as a class, begin to appear in June, and by the middle of July the whole of the vast herd may be said to have arrived and established itself.
Jno. M. Morton, p. 66.

During the latter part of June and the early part of July the cows begin to arrive heavy with young, of which they are delivered, usually, forty-eight hours after their arrival.
S. R. Nettleton, p. 75.

The mother seals or cows commence to haul out about June 10, and nearly all of them are on the rookeries by July 15th.
J. C. Redpath, p. 148.

Thomas F. Ryan, p. 174. The cows begin to appear about June.

ORGANIZATION OF THE HAREMS.

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The male seal establishes himself on the breeding rookery in May or June, when he is 7 or 8 years old, and he fights for his cows, and does not leave the place he has selected until August or September.
Kerrick Artomanoff, p. 101.

The bulls choose such ground as they mean to hold through the summer, fight savagely, and the strongest wins. Each has his own family, and should a stranger approach there is war. On the rookeries one may see all classes of seals apart from each other, the bulls and breeding cows in one place and the young in another. *William Brennan, p. 359.*

Upon reaching the islands in early June I found that the bulls, in accordance with their habit, had not only preempted their claims upon the breeding grounds *J. Stanley Brown, p. 13.* but were well established in their possession.

Being polygamous each bull seeks to gather around himself as many cows as possible to form what has appropriately been called his "harem." Here and there at wide intervals a few cows were already to be seen beside them but at no time during the season were the rookeries free from the contention of the males that sought by coaxing or theft to procure females with which to increase their harems, and from the time I landed until the close of July no master of a harem abandoned his position to procure either food or water. These bulls during the breeding season were the embodiment of ferocity and at no time did I see one of them that would not instantly and fiercely resist any encroachment upon his territory whether it were made by his neighbor or by man. At no time would a bull fail to scramble across the rocks or course rapidly around his harem to coerce a rebellious or deserting consort. The creature that can exist without nourishment for eighty or ninety days while subject to the greatest physical exertion and strain must possess a vitality unsurpassed by any other member of the animal kingdom and must bequeath to its offspring even in their immaturity an unusual capacity for endurance.

* * * * *

The number of females which a bull is able to gather around him to form his harem, depending as it does in some measure upon topographic conditions, may be represented by the extremes of one and seventy-five. The average number of last year was about twenty or twenty-five. Unusually large harems were infrequent.

When the male seal returns after his sixth or seventh migration he goes to the breeding rookeries, and, if he is able, becomes master of a harem with the title of "see-*Chas. Bryant, p. 6.* catch." He arrives now at the islands during the month of May, and after repeated battles obtains a place upon the breeding grounds.

* * * * *

Here he gathers about him as many cows as he is able to place within the radius of the area controlled by him; the average seen at one time while I was on the islands was from 15 to 20 to a bull; but as the cows were constantly going to and coming from the water it is impossible to calculate accurately the number to a harem. Probably not all the cows belonging to a bull were on shore at any one time.

When I first went to these regions a "pod" or family consisted of a "wig" and 12 or 15 "clap-matches," but this year everything was disorganized and not more than 2 *Jas. W. Budington, p. 595 (Antarctic).* or 3 seals were together; sometimes there being 1 "clap-match" and 2 "wigs." There were in 1891 about as many "wigs"

as "clap-matches." This equality of numbers of the sexes on the rookeries is unnatural, as the seals are polygamous. The cause of the great falling off in the number of "clap-matches" is we used to kill a dozen females to one male, and so not only the males are in excess but the species has been destroyed by killing the producers.

Each "wig" gets about him as many "clap-matches" as he can, the average number, I should say, being from ten to twenty. The "wig" never allows the "clap-match" to leave his harem for some time, always seizing her and dragging her back if she attempts to go into the water.

When the male reaches the age of 7 or 8 years he seeks the rookeries, and is then able to maintain his position against his fellows. He has come earlier than formerly to the islands, having arrived in May, and after a little investigation has landed upon the breeding grounds, giving battle to all who endeavor to usurp his place. I have seen twenty cows or more about a bull, but of course the exact number in a harem is a matter of conjecture, as many cows are absent in the water at all times after the season has fairly commenced.

A male seal is over 5 years of age before he is able to maintain himself on the breeding rookeries against the attacks of his fellows.

Louis Kimmel, p. 173.

The seals are polygamous in their habits as to breeding, and each full-grown and vigorous male animal endeavors to gather around himself the largest possible number of females, and to appropriate and hold by force the space necessary for them and their young. Accordingly, when the males return to the islands, beginning in May of each year (in favorable seasons some may be seen in April), the most desirable locations on the breeding grounds are appropriated by the strongest and most vigorous males, while the weaker or half-grown, or young, are forced to take places more remote from well-defined centers of population.

In June the females driven by the near approach of maternity arrive, and on landing are forced by the nearest male to remain near himself as long as possible, but as the space he can hold is limited and soon filled, his neighbors attempt to steal from his harem, which gives rise to fierce contests, in which, not infrequently, the female is the victim and is maimed or killed, and the young (pups), perhaps just born, are trampled and crushed; hence it is evident that a superabundance of males on the breeding grounds is not desirable, and it is also evident that an intelligent and carefully applied system of killing males only must result favorably to seal life, by preventing overcrowding, and thus removing the cause of a constant warfare which could not fail of being fatal to vast numbers of females and young of both sexes.

After the fifth or sixth migration the male seal, now called a bull, returns to the islands about the first of May and hauls up on the breeding rookeries, provided he is able to maintain himself there, which takes many bloody conflicts. There he gathers about him as many females as he is able.

In about the same length of time* after the birth of their one pup they have coition with the male, upon the rookeries, and then return to the water to feed. The *S. R. Nettleton, p. 75.* bull—the lord of the harem—remains on the rookery during the entire season of about four months, protecting the young and preventing the invasion of his domain by neighboring bulls and from the young and vigorous bachelors who have not yet reached the age and condition of strength to enable them to cope successfully with the older males, who, by reason of their superior strength, are able to hold their position against all comers.

The male breeding seals, or bulls, begin to haul out on the breeding rookeries early in May, and they come in more and more rapidly as the month advances, and selecting their respective stations lie down and sleep almost continuously until within a few days of the coming of the females or cows, when they assume a sitting posture and set up a bellowing noise peculiar to themselves, which I suppose to be a "call" to the approaching herd of cows. It is at this time the bull appears at his best and in his most aggressive mood, and none but the physically strong and successful are allowed to remain within striking distance of the veterans.

The cows begin to haul out in June, and practically they are all on the breeding rookeries by July 15. Immediately on arriving they are taken possession of by the bulls, the strongest and most aggressive securing the greatest number, and guarding with jealous care and increasing vigilance.

The bulls maintain their positions on the rookeries from the time they arrive till the cows come by most bloody battles, and after the cows commence arriving they *Danl. Webster, p. 183.* are continually contending for their possessions. During these conflicts they are often seriously wounded, and their exertions are far more violent than any effort made by a young male during a "drive."

We find some barren female seals—female seals too old to breed, or that for some reason have not bred. I have often wondered that there are not more barren *Theo. T. Williams, quoting Cap. Olsen, p. 505.* seals. The males on the islands will secure twenty or twenty-five females, and the male being constantly engaged in fighting, it is likely that many of the females are neglected.

POWERS OF FERTILIZATION.

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From my observation as to the vitality of male seals I believe that it is difficult to determine with absolute accuracy the capacity of the bull for rookery service, as it *J. Stanley Brown, p. 14.* must in large measure depend upon the personal equation of the individual, but I am nevertheless of the opinion that a conservative estimate would be that he could serve without difficulty at least one cow per day during his stay upon the rookery. Possibly

* Forty-eight hours.

the best results would not be achieved thereby, but this capacity, taken in connection with the fact that young males persistently seek their opportunities upon the rookery margins and at the water's edge during the entire season, leaves no doubt in my mind that no breeding female leaves the island unimpregnated. This view is further borne out by the fact that in the first days of rookery life I repeatedly counted groups of female seals by the side of each of which lay her pup.

Chas. Bryant, p. 6.

And I am of the opinion that a bull could, if necessary, serve seventy-five to a hundred cows during a season.

I am of the opinion a bull can easily and effectively serve fifty or more cows in a season, and I think at first he will fertilize six to eight a day.
Saml. Falconer, p. 166.

C. F. E. Krebs, p. 195.

I believe one bull capable of serving at least fifteen or twenty cows, with most desirable results.

It is my opinion that a bull is able to fertilize a hundred or more cows, and this fact based upon my observations of the habits and conditions of the males while located in the rookeries.
B. F. Scribner, p. 89.

It is my opinion that a bull is able to serve from three to five cows a day, and certainly over a hundred in a season. I have seen over forty cows at one time in a harem, and the bull who possessed this harem was continually striving to obtain more cows.
W. B. Taylor, p. 177.

Then, too, the male seal must have great vitality to remain on the rookeries for three months without eating or drinking and with very little sleep. In spite of this drain on his vital force he is able to fertilize all the cows which he can get possession of, and a barren cow is a rarity. I believe that a bull can serve one hundred or more cows, and it is an absurdity to think that an animal possessing such remarkable vigor could be made impotent by being driven or redriven when a "Bachelor." An impotent bull would have neither the inclination or vigor to maintain himself on the rookeries against the fierce and vigorous possessors of harems. The only bulls hauling up away from the breeding rookeries are those whose extreme old age and long service have made them impotent and useless, and I have never seen or heard tell of anything that would make an exception to this rule.
Danl. Webster, p. 183.

COITION.

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I am asked whether the seals copulate in the water. It is a question that is often discussed at the islands, and *Jno. Armstrong, p. 2.* neither the scientific observers nor the unscientific are able to agree about it. I have seen seals in position when it seemed to be attempted, but doubt whether it is effectually accomplished. If it were, I think we should see pups sometimes born late and out of season, but such is not the case.

Pelagic coition I believe to be impossible. The process upon land by reason of the formation of the genital organs is that of a mammal; is violent in character, and *J. Stanley Brown, p. 14.* consumes from five to eight minutes. The relative sizes of the male and female are so disproportionate that coitus in the water would inevitably submerge the female and require that she remain under water longer than would be possible to such an amphibian. I have sat upon the cliffs for hours and watched seals beneath me at play in the clear water. It is true that many of their antics might be taken for copulation by a careless observer, and this may have given rise to the theory of pelagic coition. I have never seen a case of the many observed which upon the facts could properly be so construed.

In watching the seals while swimming about the islands I have seen cases where they appeared to be copulating in the water, but I am certain, even if this was the *Chas. Bryant, p. 6.* case, that the propagation of the species is not as a rule effected in this way, the natural and usual manner of coition being upon land.

I am also convinced that copulation takes place on land before they migrate; the period of gestation being about *Jas. W. Badington, p. 595 (Antarctic).*

The female this season [second] is probably fertilized. As a general rule the impregnation is by the bull, to whose harem she belongs, and not by the young males, as *Sam'l. Falooner, p. 165.* has sometimes been stated. These young males always pursue a female when she is allowed to leave the harem and go in the water, but she refuses them. I am positive from my observations that copulation in the water could not be effectual, and would be a most unnatural occurrence.

I do not believe it possible for fur seals to breed or copulate in the water at sea, and never saw nor heard of the action taking place on a patch of floating kelp. *Norman Hodgson, p. 367.*

It has been said that copulation also takes place in the water between these young females and the so-called "nonbreeding males," but with the closest scrutiny of the *H. H. McIntyre, p. 42.* animals when both sexes were swimming and playing together under conditions the most favorable in which they are ever found for observation, I have been unable to verify the truth of this assertion.

I desire also to express my belief concerning the seal life that the act of copulation can not be successfully performed in the water. Those who have witnessed its accomplishment on the rookeries must coincide with such opinion. A firm foundation for the support of the animals, which the ground supplies, and the water does not, is indispensable to oppose the pushing motion and forceful action of the posterior parts of the male which he exerts during coition. The closest observation which I have been able to give to the movements and habits of the seals in the water has furnished no evidence to controvert the above opinion.

Referring to the question as to whether pelagic coition is possible, I have to say that I have never seen it attempted, *S. R. Nettleton, p. 75.* but from my observations I have come to the conclusion that pelagic coition is a physical impossibility.

Arthur Newman, p. 210. I have seen seals sleeping on kelp and feeding about it, but have never seen them copulate anywhere except on a rookery.

FASTING.

Page 111 of The Case.

(See also "The Cows—Food.")

He remains there about three months, that is, during the rutting season, without eating or drinking, never leaving *Chas. Bryant, p. 6.* his position. * * *

I do not think the male seals of any class feed to any extent while located at the islands, but the females are absent more or less of the time in search of food.

About the 20th of November we used to begin killing, and up to that time the "wigs" had never left their positions to *Geo. Comer, p. 598* feed or drink. I do not know how much longer *(Antarctic).* they would have staid there fasting if we had not molested them.

From their arrival in May for three or four months the bulls remain constantly upon the rookeries, never leaving their *Saml. Falooner, p. 166.* positions, and never eating or drinking, and sleeping very little. When they arrive they are enormously fat, weighing from 500 to 700 pounds, but when they depart in August or September they are very lean and lank.

Jno. Fratis, p. 108. I know the bulls do not eat during their four months' stay on the islands.

A bull never leaves the breeding rookery during the entire breeding season, which is a period of from two to three *Louis Kimmel, p. 74.* months.

Anton Melovedoff, p. 144. And they stay there till August or September without food or water, and without much rest or sleep.

I believe the bulls do not eat or drink during their three to four month's sojourn on the island, and I know they *S. Melovidov, p. 147.* take little if any rest or sleep.

From the time of his landing until the close of the rutting season or about the first of August he remains continuously *T. F. Morgan, p. 83.* on the breeding grounds, never eating and sleeping very little, if at all. About August 1 he again takes to the water, after having fertilized all the cows in his harem,

very lean and lank, and his harem becomes disorganized, the pups gathering into pods, the females going and coming from the water, and the bachelors mingling with the cows and pups.

From the time the bulls haul out in May till they leave in September they neither eat nor drink, and their lean and lanky appearance in September is in striking contrast with their rotund form and sleek and glossy coats in May. *L. A. Noyes, p. 81.*

When they first appear upon the rookeries the bulls are fat and sleek and very aggressive, but after a stay of from three to four months, without food, they crawl away from the rookeries in a very lean condition. *J. C. Redpath, p. 148.*

The bulls do not eat at all while on the breeding rookeries. *T. F. Ryan, p. 175.*

I gather, too, from further research that the nature of their food and the source whence it is obtained are better understood than formerly. It is well known that the bulls eat nothing during the rutting season and while taking care of their harems on the islands. *C. M. Scammon, p. 475.*

DISORGANIZATION OF THE ROOKERIES.

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The latter steps in the history of rookery life all facilitate, if indeed they do not play an important part in, the disorganization of the harem system. Just as soon as the pup has reached the age of forming pods and making little excursions hither and thither, the bull's authority diminishes, for his control over the mother is lost in the presence of the bleat of the hungry offspring. *J. Stanley Brown, p. 16.*

Up to the 20th of July the breeding grounds present a compact, orderly arrangement of harems, but under the combined influence of the completion of the serving of the females and the wandering of the pups, disintegration begun at that date rapidly progresses. It is at this time that the virgin cows of 2 years of age, or not older than 3, mingle more freely with the females and probably enter the maternal ranks, for the unsuccessful males and maturer bachelors, no longer deterred by the old males, also freely wander over the breeding grounds.

In August the families, or harems, break up and the cows scatter all over the rookeries. *John Frater, p. 108.*

The rutting season among the seals continues through the months of June and July and into the early part of August, and upon its subsidence the rookery bulls, after their long fasting of two or three months, after many sanguinary battles, worn, starved, and emaciated, return to the water. Younger males now make their appearance on the rookeries, coming and going at will; and now thousands and tens of thousands of "pups," "podded" together near the beaches or plunging and roll-

ing in the surf, may be seen. By the middle of September the systematic organization of the rookeries is entirely broken up, and the major part of the seals have left the land.

By the middle of August the cows have been fertilized for the next year, after which the harems are abandoned, and
L. A. Noyes, p. 81. the bulls begin to leave the islands, and the females and bachelors (or young males) intermingle indiscriminately on the rookeries.

DEPARTURE FROM THE ISLANDS.

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J. Stanley Brown, p. 15. When the season is over the bulls, now reduced in weight, find their way to the sea for recuperation.

When they arrive they are enormously fat, weighing from 500 to 700 pounds, but when they depart in August or September they are very lean and lank.
Samuel Falooner, p. 168.

C. L. Fowler, p. 25. And most all of them leave in August and September, and I have seen a few as late as October.

John Frattis, p. 108. And the bulls begin to go away late in August and all through September, so that very few are left in October.

The bull seal arrives at the island early in May, and takes his place on the breeding rookery, and he stays there until
Agget Kusken, p. 129. August or September without food.

When the season ends and the compact family organization breaks up, the bulls begin to leave the islands, going
Anton Melovedoff, p. 144. away slowly through September and early October before they are all gone.

VITALITY.

Page 112 of The Case.

(See "Powers of Fertilization" and "Fasting.")

THE COWS.

AGE.

Page 113 of The Case.

(See also "Number of Pups at a Birth.")

Under my direction microscopic examinations were made of the female reproductive organs, which showed that some of the older females had borne at least eleven to thirteen pups.
Chas. Bryant, p. 6.

HAREM LIFE.

Page 113 of The Case.

The period of gestation is between eleven and twelve months.

Report of the American Commissioners, p. 326 of The Case.

My observation has been that the female seal, prompted by the maternal instinct, lands, chooses by preference the rocky shore, and is permitted a certain amount of freedom in going her way until just the place most to her liking is found, but when once parturition is completed she then, being of necessity tied to the spot, becomes subject to the control of the male, which control is exercised with rigor. Should the point of access to a rookery be through a break in the cliff that offers only a steep incline the chances are the bulls located near will be favored by large harems.

The frequency with which I saw females select a flat stone, over the edge of which the posterior portion of the body could hang previous to delivery, suggests an explanation of why the rocky margins are preferred to the sandy shores. It is not possible to determine how soon after the arrival of the mother the pup is born, for she may have been in the water adjacent to the island several days before finding it necessary to come ashore. But the accouchement follows quickly upon the landing. Very soon thereafter the females receive the males, and there is no doubt that the master of the harem has knowledge of the female's condition as regards pregnancy, for, while some of his consorts, the latest arrivals, are jealously guarded, others are permitted greater freedom.

Within a few days after the birth of the pup the "clap match" is served by the "wig." After being served the "wig" lets her go into the water to feed, as she has to do in order that she may nurse her pup. *George Comer, p. 598 (Antarctic).*

The cow after bringing forth her young remains on the rookery until again fertilized by the bull, which is, I believe, within two weeks. The period of gestation is between eleven and twelve months. *Sam'l Falconer, p. 165.*

NUMBER OF PUPS AT A BIRTH.

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The female seal gives birth to but one pup every year, and she has her first pup when she is 3 years old.

Korriok Artomanoff, p. 100.

The female gives birth to but a single pup. The labor is of short duration, and seems not to produce great pain.

J. Stanley Brown, p. 15.

On returning the third year the young male goes again upon the hauling grounds and the female to the rookeries, where she brings forth one pup. From this time until she is between 12 and 16 years of age she continues to bear one pup annually.

Chas. Bryant, p. 8.

S. N. Buynitsky, p. 21.

Very soon after a female lands she gives birth to a pup; I think that she never gives birth to more than one.

Almost immediately on landing the female drops her pup, it seldom being more than a day after they come on shore.
Geo. Comer, p. 598 (Antarctic). A "clap match" gives birth to only one pup, except in rare instances when she has two. I never saw but one case where a "clap match" had more than one pup at a birth.

After this season and the migration following the three-year-old cow lands again on the breeding rookery and gives birth to one pup; two at a birth is as rare an occurrence as a cow bringing forth two calves, and during my entire experience I never heard of this happening but once.
Saml. Falooner, p. 165.

The females soon after their arrival give birth to their young, and are limited, as far as I have been able to observe from
J. M. Morton, p. 67. long and close observation of the rookeries during the breeding season, to a single "pup."

Adolphus Sayers, p. 473. A seal never bears but one pup at a time.

NOURISHES ONLY HER OWN PUP.

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K. Artomanoff, p. 100.

The mother seals know their own pups by smelling them, and no seal will allow any but her own pup to suck her.

Chas. Bryant, p. 5.

A female seal does not suckle any pup save her own, and will drive away any other pups which approach her.

S. N. Buynitsky, p. 21.

She only suckles her own pup.

I have never seen a "clap match" suckling more than one pup, and it is my impression that a "clap match" would not nurse any pup except her own, for I have seen her throw other pups aside and pick out one particular one from the whole number on the rookery.
Geo. Comer, p. 598 (Antarctic).

And they can not help themselves, and they do not eat or drink only as they suck the cows. No cow will let another pup suck her; every cow feeds her own pup.
Karp Buterin, p. 104.

It does not seem to me at all likely that a mother would suckle any pup other than own, for I have repeatedly seen a female select one pup from a large group and pay no attention to the solicitations of other
W. H. Dall, p. 23.

A mother seal will at once recognize her pup by its cry, hobbling over a thousand bleating pups to reach her own, and every other approaching her save this one *Samuel Falconer, p. 164.* little animal she will drive away. From this fact it is my opinion that if a pup lost its mother by any accident it would certainly die of starvation, for it would not be allowed to derive nourishment from any other female. A pup, however, seems not to distinguish its mother from the other females about it.

The old mother seal will not nurse any but its own offspring, and can single it out of a band of thousands even *W. S. Hereford, p. 33.* after an absence of days from the islands.

A cow never suckles any but her own pup. When a strange pup approaches a cow she will drive it away from her; and out of thousands of pups huddled together *Louis Kimmel, p. 174.* she will single her own.

No cow will suckle any pup but her own. *Nicoli Krukoff, p. 133.*

No cow will suckle any pup but her own, and I have often watched a cow driving pups from her until she found her own. *Agget Kushen, p. 130.* She knows her pup by smelling it.

The pups do not appear to recognize their own dams, but the mother distinguishes her own offspring with unerring accuracy, and allows no other to draw her milk. *H. H. McIntyre, p. 41.*

When the cows return they go to their own pups, nor will a cow suckle any pup but her own. The pups would suck any cow that would let them, for they do *Anton Melovedoff, p. 144.* not seem to know one cow from another.

The pup does not appear to recognize its mother, attempting to draw milk from any cow it comes in contact with; but a mother will at once recognize her own pup and *T. F. Morgan, p. 62.* will allow no other to nurse her. This I know from often observing a cow fight off other pups who approached her, and search out her own pup from among them, which I think she recognizes by its smell and its cry.

Returned to the rookery, the cow goes straight to the spot where she left her pup, and it seems she instantly recognizes it by smelling; and it is equally certain that the *L. A. Noyes, p. 82.* pup can not recognize its dam. I have often seen pups attempt to suck cows promiscuously, yet no cow will suckle any pup but her own.

No cow will nurse any pup but her own, and I have often watched the pups attempt to suck cows, but they were always driven off; and this fact convinces me that the *J. C. Redpath, p. 148.* cow recognizes her own pup and that the pup does not know its dam.

And I think a cow never gives suck to any pup save her own; I judge this from my own observation. *Thos. Ryan, p. 174.*

A cow will not suckle any pup but her own. Of this I am convinced, because I have seen cows drive off other pups
Geo. Wardman, p. 178. when they approached them, and wait until they appeared to recognize their own.

The mother seal readily distinguishes her own offspring from that of others, nor will she permit the young of any other seal to suckle her.
Danl. Webster, p. 180.

DEATH OF COW CAUSES DEATH OF PUP.

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[See also "The Pup's Dependence upon its Mother."]

Geo. Ball, p. 483. Q. Do the pups perish with the cows that you kill?—A. Certainly, they do.

As I have said before, the pups are not able to take care of themselves until they are several weeks old, and the cows must go off into the water to get food for themselves. It stands to

William Brennan, p. 363. reason that if the mothers are killed while away from the island, and the pups are left there alone, they will surely die; and it is a fact that many mothers are killed in Bering Sea.

Nearly every seal captured causes the death of either an unborn pup, or the death of a young pup by starvation
Henry Brown, p. 318. on the islands.

I am positive that if a mother seal was killed her pup must inevitably perish by starvation. As evidence of this fact
Chas. Bryant, p. 5. I will state that I have taken stray, motherless pups found on the sand beaches and placed them upon the breeding rookeries beside milking females, and in all instances these pups have finally died of starvation.

Dan'l Claussen, p. 412. Q. Do the pups perish with the cows that you kill?—A. Certainly.

Luther T. Franklin, p. 426. Q. Do the pups perish with the cows that you kill?—A. Naturally they must.

Edward W. Funcke, p. 428. Q. Do the pups perish with the cows that you kill?—A. Invariably they do; yes, sir.

The mother does not leave the rookery in search of food until she has dropped her young and become pregnant again, hence when she has been slain, it means the loss of three, as the young pup will unquestionably die for lack of sustenance.
Jas. Kiernan, p. 451.

Louis Kimmel, p. 174. It is my opinion that if a mother is killed her offspring dies of starvation.

Q. Do the pups perish with the cows that you kill?—A. Certainly. Not alone that, but they generally leave, while they go into the Bering Sea, a pup on shore, which also dies, from not being able to get any susten-

nance. The seal which is killed in the Bering Sea may be with pup, and also has a pup on shore, which make the killing of three seals to one.

Q. Killing the females, of course, destroys the pup and the female, and makes one less breed?—A. Yes, sir; when you kill the female seal you kill the pup with her. *Alexander McLean, p. 437.*

Q. Do the pups perish with the cows that you kill?—A. Certainly. That is, if the cows happen to be with pup. *Frank Moreau, p. 468.*

I have cut the young seal out of its dead mother and kept it alive for several weeks by feeding it on milk, but it would eventually die. I have known them to live days without eating anything. I have put pups cut out of dead seals to the breast of dead female seals when milk was running out of their teats, but they would not touch it. *Wm. Parker, p. 344.*

In the forepart of the season the pup is small, but in May and June, when they are taken off the Queen Charlotte and Kodiak Islands, the unborn pup is quite large, and we frequently take them out of the mothers alive. I have kept some of them alive for six weeks that were cut out of their mothers, by feeding them condensed milk. *Edwin P. Porter, p. 347.*

I am confident that if a mother seal was killed while absent from the island her pup would die of starvation in a few days, for the female seal will not suckle any pup but her own. *B. F. Scribner, p. 89.*

Q. Do the pups perish with the cows that you kill?—A. The pups always perish with the cows that are killed; yes, sir. *Gustave Sundvall, p. 481.*

Fourth. The female killed, the death of the unborn pup follows, entailing a double loss. *Z. L. Tanner, p. 374.*

A female when she returns from the feeding grounds will always select her own pup from all those on the rookeries, and will give suck to no other. It is therefore my opinion that if a mother seal is killed the pup will certainly die of starvation. *W. B. Taylor, p. 176.*

That does not take into consideration the unborn pup, or the pup of the mother that dies on the rookery. I have taken unborn pups from their mothers and fed them on condensed milk, and kept them for quite a time. I refer to cases where the mother is about ready to deliver her pup. *Adolph W. Thompson, p. 486.*

I further think that if a mother were killed her pup would starve to death, for she suckles the pup during the time it remains on the island, and it has no other means of subsistence. *Geo. Wardman, p. 178.*

And the killing of females shortly after the delivery of their young can not but have the effect of causing the death
C. A. Williams, p. 538. **of their offspring through lack of nourishment.**

FEDDING.

Page 115 of The Case.

(See "Feeding Excursions.")

FOOD.

Page 116 of The Case.

[See "Feeding Excursions."]

I have noticed that the stomachs of the majority of seals captured, provided they were young females or immature *A. B. Alexander, p. 355.* males, were empty, while the stomachs of the old bulls were well filled as though preparing themselves for the demand of the breeding grounds. Their diet was made up of salmon, red rockfish, and squid.

William Brennan, p. 359. They live on fish and seaweed.

I am satisfied the principal food of the fur-seal is fish. During the summer fish are practically unknown about the *Chas. Bryant, p. 6.* islands, but they abound in great quantities in all parts of Bering Sea, 30 to 40 miles from the islands. This fact came to my knowledge during my eighteen years' whaling experience in that locality.

The principal food of the fur-seal is fish, which abound in all parts of Bering Sea, except in the neighborhood of the *Sam'l Falconer, p. 168.* Pribilof Islands during the season the seals are on land. I have seen a fish in the mouth of a seal in the water, and have also seen fish in their stomachs when cut open. It is my belief they eat some kelp also.

Of the female fur-seal stomach I know nothing, as they are not allowed to be killed on the islands, but I think it would be safe to say remnants of a fish and kelp diet would frequently *W. S. Hereford, p. 35.* be found, as that is their natural food, and they do considerable traveling backwards and forwards from the fishing banks while nursing their young after having received the attention of the bulls.

I examined the stomachs of the fur-seals taken in Bering Sea during the month of July, 1887, and found the greater *Jas. E. Lennan, p. 370.* number to contain Alaska mackerel. This goes to show clearly that at that season of the year this fish constitutes an important item in the diet of the fur-seal. Nursing fur-seal cows were found in July as far as 100 miles to the southward of the Pribilof Islands in Bering Sea, feeding on mackerel as above.

The food of the fur-seal I believe to consist mainly of fish, and probably chiefly, while in Bering Sea, at least, of cod-fish, the partially digested vertebræ of this species *H. H. McIntyre, p. 43.* having been found in the stomachs of slaughtered animals more frequently than any other food. Squid and crustaceans have also been found in some instances, but the supply of these is comparatively limited, while it is a well-known fact that the waters of Bering Sea at nearly all points, and particularly in that zone, from 20 to 60 miles south of the Pribilof Group abound in cod. The presumption is well grounded that the old male, at least, made good use of his opportunity in the off season, for he leaves the islands in August, after an absolute fast of three to four months, very lank and lean, and again takes his place upon the breeding grounds in April or May well rounded out with a thick envelope of blubber.

I have seen the stomachs of several seals after they were killed and they contained only pieces of fish, which seemed to be their sole food. I do not know whether they eat kelp or not. *T. F. Ryan, p. 175.*

Their food is mainly fish, and they are naturally found where that is most abundant. Seal-hunters say and statistics show that where fish are most plentiful, as in latitude 55° to 56° north, in Bering Sea, on the Shumagin Banks off the Alaskan Peninsula, and off the entrance to the Straits of Fuca, there the best catches of seals are made. *C. M. Scammon, p. 475.*

FEEDING EXCURSIONS.

Page 116 of The Case.

[See also "Food" and "Pelagic Sealing—Destruction of Nursing Females."]

Have taken females that were full of milk 60 miles from the Pribilof Islands. *Peter Anderson, p. 313.*

I observed that very few seals go out to sea to feed during June, July, and August, except females and some of the younger males. *Jno. Armstrong, p. 1.*

The females go and come after the first few days of their stay at the island. I have seen rookeries, and particularly the one on the reef, plainly in sight from St. Paul village, swarming with pups and comparatively few mothers in sight, and it has sometimes remained so for twenty or thirty hours at a time, convincing me that they must have gone a considerable distance from the islands for food. *Jno. Armstrong, p. 2.*

In four or five days after it is born the mother seal leaves her pup and goes away in the sea to feed. *Kerrick Artomanoff, p. 100.*

Most of the seal taken in Bering Sea by me were cows with milk. Cows with milk have been taken by me 100 miles from the Pribilof Islands. *Wilton C. Bennett, p. 357.*

There is nothing on the beach for the old ones to eat, and they go several miles from the rookeries out to sea to obtain food.
William Bronnan, p. 359.

For the first few days, and possibly for a week or even ten days, the female is able to nourish her young or offspring, *J. Stanley Brown, p. 15.* but she is soon compelled to seek the sea for food, that her voracious young feeder may be properly nourished, and this seems to be permitted on the part of the male, even though under protestation. The whole physical economy of the seal seems to be arranged for alternate feasting and fasting, and it is probable that in the early days of its life the young seal might be amply nourished by such milk as its mother might be able to furnish without herself resorting to the sea for food.

At the time I was on the islands I do not think there were any fish at all within 3 miles of the islands, and that the *S. N. Bugnitsky, p. 21.* seals to feed had to go farther than that from land. This belief is founded on statements made me by natives on the islands, and also from the fact that fresh fish were seldom eaten upon the islands.

I have also observed seals, presumably fishing, at distances varying from 10 to 150 miles from the island, and am *John C. Cantwell, p. 408.* of the opinion that most of the seals seen at distances more than 10 miles from land during the breeding season are females.

About 80 per cent of the seals I caught in the Bering Sea were mothers in milk, and were feeding around the fishing banks *Jas. L. Cartlout, p. 409.* just north of the Aleutian Islands, and I got most of my seals from 50 to 250 miles from the seal islands. I don't think I ever sealed within 25 miles of the Pribylov Islands.

We were hunting in the Bering Sea most of the time off Seventy-two and Unamak Pass, and we caught the seals as *Chas. Chalall, p. 410.* they were going to and from the Pribilof Islands to feed on the fishing grounds. We caught a great many seals on the fishing banks just north and close by the Aleutian Archipelago.

It is my experience that fully 85 per cent of the seals I took in Bering Sea were females that had given birth to *Christ. Clausen, p. 320.* their pups, and their teats would be full of milk. I have caught seals of this kind from 100 to 150 miles away from the Pribilof Islands.

Nearly all the cows are in milk during the months of July and August, while they are out seeking for food, and I *Peter Collins, p. 413.* have seen mothers with their breasts full of milk killed 100 miles or more from the seal islands. I know they go great distances in search of food.

After the mother seals have given birth to their young on the islands, *she goes to the water to feed and bathe, and I W. C. Coulson, p. 416.* have observed them, not only around the islands, but from 80 to 100 miles out at sea.

In different years the feeding grounds or the location where the greater number of seals are taken by poachers seem to differ; in other words, the seals frequently change feeding grounds. For instance, in 1887, the greatest number of seals were taken by poachers between Unamak, Akatan Passes, and the seal islands, and to the southwestward of St. George Island. In 1889, the catching was largely done to the southward and eastward, in many cases from 50 to 150 miles distant from the seal islands. In the season of 1890, to the southward and southward and westward; also to northwest and northeast of the islands, showing that the seals have been scattered. The season of 1891, the greatest number were taken to northward or westward of St. Paul, and at various distances from 25 to 150 miles away.

I have seen seals in the waters of Bering Sea distant 100 miles or more from the islands at various times between the first of July and October. These seals were doubtless in search of food, which consists, according to my observations, of fish, squid, crustaceans, and even mollusks.

Most of the seals taken in Bering Sea are females. Have taken them 70 miles from the islands that were full of milk.

George Dishow, p. 323.

We entered the Bering Sea about the latter part of April, and got over 800 seals in there, most of them being females in milk, and we killed them from 20 to 100 miles off the seal islands. I saw the milk running on the deck when we were skinning them; that was the only way I could tell they were females.

I also found that females after giving birth to their young at the rookeries seek the codfish banks at various points at a distance of from 40 to 125 miles from the islands for food, and are frequently absent one or more days at a time, when they return to find their young.

We entered the Bering Sea May 25th and we got 703 seals in there, the greater quantity of which were females with their breasts full of milk, a fact which I know by reason of having seen the milk flow on the deck when they were being skinned.

We caught them from 10 to 50 miles off the seal islands.

After the fertilization she is allowed to go to and from the water at will, in search of food, which she must obtain so she can nurse her pup. She goes on these feeding excursions sometimes, I believe, 40 or more miles from the islands, and, as she swims with great rapidity, covers the distance in a short time. She may go much farther, for I have known a cow to be absent from her pup for two days, leaving it without nourishment for this period. This shows how tenacious of life a young seal is and how long it can live without sustenance of any sort.

After the pup is a few days old the cow goes into the sea to feed and at first she will only stay away for a few hours, but as the pup grows stronger she will stay away more and more until she will sometimes be away for a week.

Wm. Fraser, p. 427.

We killed females giving milk more than 100 miles from the seal islands.

John Fyfe, p. 429.

We killed some of them from 50 to 100 miles off the seal islands, and were very tame.

Chad. George, p. 366.

Have killed seals 200 miles from the Pribilof Islands that were full of milk.

Theos. Gibson, p. 432.

I have killed mother seals in milk from 40 to 100 miles off the seal islands.

During the entire sealing season males of all classes remain on the islands, except that the bachelors once in a while go into the water, but remain in the vicinity of the islands. The females, on the contrary, are

H. A. Gladden, p. 110. going and coming to and from the water for the purpose of feeding. I believe it is while the females are thus going to and from the feeding grounds and through the Aleutian passes that they are intercepted and shot by open-sea sealers.

I have also learned by conversation with Bering Sea hunters that they kill seal cows 20 to 200 miles from the breed-

E. M. Greenleaf, p. 324. ing grounds and that these cows had recently given birth to young. I have observed in the skins that the size of the teats shows either an advanced state of pregnancy or of recent delivery of young.

Arthur Griffin, p. 326. Those they shoot. We captured females in milk from 20 to 100 miles from the rookeries.

James Griffin, p. 433.

Have killed female seal 90 miles from the seal islands that were full of milk.

Majority of the seals taken in Bering Sea are females with milk in them. Have killed them full of milk 100 miles from the seal islands.

Martin Hannon, p. 445. We entered the Bering Sea about the 1st of June, and caught about 200 seals in those waters. They were mostly

James Harrison, p. 326. mothers that had given birth to their young and were around the fishing banks feeding.

Most of the seals killed on the coast are pregnant females, while those we killed in the Bering Sea after the 1st of *James Hayward, p. 328.* July were females that had given birth to their young on the seal islands and come out into the sea to feed. Have caught them 150 miles off from the shore of the seal islands, and have skinned them when their breasts were full of milk. Seals travel very fast and go a long way to feed.

It is known and currently believed among the natives of the seal islands, and also among the employés of the sealing

W. S. Hereford, p. 34. company, past and present, that the mother seal will go great distances and be gone for long periods of time in quest of food. Such is also my observation and belief.

In fact it is a common thing to see squads or herds going out and coming in at various times during the day. Food around the immediate vicinity of the seal islands is at the best of times scarce, and as the rookeries increase in the number of their occupants it becomes necessary for them each day to go farther and farther. Distance, however, is no particular object to them, as they are very speedy travelers.

After the young is a few days old the mother *Wm. Hermann, p. 446.*
travels out to the fishing banks to feed.

I observe that nursing cows range from 60 to 80 miles from the Pribilof Islands to feed, and were always most numerous in a southerly and westerly direction from *Norman Hodgson, p. 367.*
them.

The majority of seals killed in Bering Sea are females. I have killed female seals 75 miles from the islands, that
were full of milk. *J. Johnson, p. 331.*

I think many of the mother seals go from their breeding grounds on the islands many miles into the Pacific Ocean in search of food, often to a distance of 150 to 180 *Jas. Kiernan, p. 450.*
miles. They travel very fast, and it is on these excursions that many of them are killed.

Soon after a cow brings forth her young she goes into the water to get food. I know from actual observation that they go at least 20 miles from the islands, but *Louis Kimmel, p. 174.*
how much farther I am unable to state.

As soon as the pups are a few days old the cows go into the sea to feed and they stay out a little longer every time they go until they will be away for a week at a *Nicoli Krusoff, p. 133.*
time.

When the cow goes into the sea for food her stay there becomes longer and longer as the season advances, until at times she will be away for three or four days *Aggei Kushen, p. 129.*
at a time.

In the Bering Sea I have noticed that in skinning seals milk would run out of the teats of females who had given birth recently to their young on the islands. I *Andrew Laing, p. 335.*
have caught this class of females from 75 to 100 miles from the Pribilof Islands.

In killing seals in the Bering Sea, during the months of June, July, August, and September, I noticed that a large number of them were females and mothers giving milk. I have killed mothers in milk all the way from 10 to 200 miles off shore. *Wm. H. Long, p. 458.*

In 1889 I hunted in the Bering Sea from 80 to 100 miles off the Pribilof Islands. Two-thirds of fur catch were cows in milk. *Thos. Lowe, p. 371.*

We went into the Bering Sea about the 26th or 28th of June, and while in there we caught 389 seals, nearly all of *Thos. Lyons, p. 460.* which were mother seals in milk, which fact I know from seeing the milk flow on the deck while we were skinning them. We took them a good ways from the islands, but do not know how many miles.

When the pups are a few days old the mothers leave them (generally soon after coitus upon the rookeries with *H. H. McIntyre, p. 41.* the old male) to go to the feeding grounds, returning at intervals of one to three or four days to suckle their young.

We sailed from Victoria in June and went due north, and commenced sealing in the Bering Sea, catching about 400 *Wm. McLaughlin, p. 462.* seals. We hunted around the islands there, from 50 to 60 miles offshore. Most of those were females that had given birth to their young and were with milk.

Q. How far from the islands have you killed those mother seals that were in milk?—**A.** I have killed them as far off *Alex. McLean, p. 438.* as 150 miles off the land.

Q. Is that in the Pacific or Bering Sea?—**A.** Both in the Pacific and Bering Sea.

Q. They were evidently the mothers that had young?—**A.** Yes, sir; they had their young. Some of the seals had left their young on the islands and were going away, and were through with them or going to feed. Sometimes a seal goes a long way off the island at a certain time. It depends where the feed is. A seal does not think very much of traveling 100 miles; they travel very fast when they want to.

Q. Did you ever kill any cow seals that were in milk that had given birth to young and were in milk?—**A.** Yes, sir; I *Dan'l McLean, p. 444.* have in Bering Sea.

Q. How far from the seal islands were they?—**A.** Sixty miles; all the way from 20 to 60 miles; off St. George and St. Paul.

It may safely be asserted that over three-fourths of the catch of forty-eight were cows in milk. This, at a distance of 338. 200 miles from the rookeries, shows that the nursing cows ramble all over the Bering Sea in search of their chief food, the codfish, which are to be found on the banks along the coast of the Aleutian Islands. During the migratory journey north in the spring the cows with young become the easiest victims to the hunter, owing to being more fatigued, and consequently sleep more than other class of seals. From all information I could glean from the skipper, when I pointed out the circumstance of cows in milk being killed so far from the islands, leads me to understand that had the cruise of the *Otto* been a month or six weeks earlier, the proportion of nursing cows in a catch would be still greater than that herein exhibited.

Each year we would enter the Bering Sea about June, and we sealed from 50 to 150 miles from the islands. The first *Thos. Madden, p. 463.* year we caught about 700 seals in the sea, and we caught very big catches in 1888 and 1889, but

last year we only caught 150. Most of them were cow seals, having given birth to their young, and their breasts had milk in them. I saw the milk running out of their breasts on the deck as they were being skinned.

When the pup is a few days old the cow goes into the sea to feed, and as the pup grows older the cow will stay longer and longer, until sometimes she will be *Anton Melovedoff*, p. 144. away for a week. My opinion, therefore, is that none but the mother seals go out in the sea to eat during the time the herds are on the islands, and this accounts for the great number of cows shot by the sealing schooners in Bering Sea during July, August, and September.

The young males or bachelors that are killed for skins are found to be full of food in May and early in June, but their *Simeon Melovidov*, p. stomachs are empty when killed in July or later. 146. This shows, I think, that none go out to feed in the sea except the cows during the time they are nursing their young.

Have killed seals 250 miles from the Pribilof Island, with milk. *G. E. Miner*, p. 466.

After birth a pup at once begins to suckle its mother, who leaves its offspring only to go into the water for food, which I believe from my observation consists mainly of *T. F. Morgan*, p. 62. fish, squids, and crustaceans. In her search for food the female, in my opinion, goes 40 miles or even farther from the islands.

The bachelors while on the islands, in my opinion, feed very little, and practically it is only the female seals which feed while located on the islands. The speed of a seal when swimming is very great, covering, I should say, from 10 to 15 miles an hour. Therefore a female can easily go to the feeding grounds and return to the islands in a day; and that so far as I am able to ascertain the foregoing facts are practically corroborated by all those who have had the opportunity to study or observe seal life on the Pribilof Islands and in Bering Sea.

They sometimes go out from 100 to 200 miles off the islands, while the young ones still remain on the islands. After they have been on the islands they contain no pup, *Niles Nelson*, p. 470. so the hunter can see if the seal has been on the islands or not. I have killed, and seen killed, mothers in milk 100 or more miles from the islands.

During these journeys, in my opinion, she goes a distance of from 40 to 200 miles from the islands to feed; and it is at this time she falls a prey to the pelagic hunter. *L. A. Noyes*, p. 82.

In my opinion, the cows are the only seals that go into the sea to feed from the time they haul out in May till they leave the islands in November or December; and my opinion is based on the fact that the seals killed in May have plenty of food in their stomachs, mostly codfish, while those killed in July have no signs of anything like food in their stomachs.

Again, the males killed for food as the season advances are found to be poorer and poorer, and in all cases after July their stomachs are

empty. I am convinced, therefore, that none but mother seals go into the sea to feed during the summer months, and this accounts for the sudden decrease in the herd after the sealing schooners became so numerous in Bering Sea about 1884.

John Olsen, p. 471.

We caught these mothers, full of milk, from 50 to 150 miles off the seal islands. I shot twenty-eight myself.

When the pup is from 4 to 6 days old, the mother goes into the water for food and, as time passes, her stay becomes

J. C. Redpath, p. 148. longer, until finally she will be away from her pup for several days at a time, and sometimes for a whole week. During these longer migrations she often goes 200 miles from the rookery, and I have been informed by men who were engaged in the trade of pelagic hunting that they had taken "mothers in milk" at a distance of over 200 miles from the seal islands.

The cows, however, eat, and sometimes go 60 miles to get food, and perhaps farther. Old experienced poachers in-

T. F. Ryan, p. 175. formed me that they remained that distance from the islands to capture the seals when they came to feed.

Sometimes we opened them and found young pups inside, and sometimes they were mothers that had given birth to

Adolphus Sayers, p. 473. their young and their breasts were full of milk, and we often killed them 100 miles or more from the seal islands.

The cows, however, go and come at will after the pups are dropped, and may be found in large numbers with the

C. M. Scammon, p. 475. mammary glands distended with milk many miles from the breeding grounds.

Of the females taken in Bering Sea nearly all are in milk, and I have seen, the milk come from the carcasses of dead

L. G. Shepard, p. 189. females lying on the decks of sealing vessels which were more than 100 miles from the Pribilof Islands. From this fact, and from the further fact that I have seen seals in the water over 150 miles from the islands during the summer, I am convinced that the female, after giving birth to her young on the rookeries, goes at least 150 miles, in many cases, from the islands in search of food.

Wm. H. Smith, p. 478. Have taken female seals in Bering Sea about 145 miles from the Pribilof Islands.

Seals killed in Bering Sea after the birth of the pups are largely mother seals, and the farther they are found

Z. L. Tanner, p. 374. from the islands the greater the percentage will be. The reason for this seeming paradox is very simple. The young males, having no family responsibilities, can afford to hunt nearer home, where food can be found if sufficient time is devoted to the search. The mother does not leave her young except when necessity compels her to seek food for its sustenance. She can

not afford to waste time on feeding grounds already occupied by younger and more active feeders; hence she makes the best of her way to richer fields, farther away, gorges herself with food, then seeks rest and a quiet nap on the surface. Under these conditions she sleeps soundly, and becomes an easy victim to the watchful hunter.

Those we killed in the Bering Sea were mostly females in milk. We never went nearer to the islands than between 25 and 30 miles. We killed most of them while they were going to or returning from the fishing banks. *Adolph W. Thompson, p. 486.*

The mother seals go out to sea to feed soon after giving birth to their young, and return at intervals of from a few hours to several days to suckle and nourish their young. *Daniel Webster, p. 180.*

I have never hunted within 15 miles of the Pribilof Islands; but I have often killed seals in milk at distances of not less than 100 to 200 miles from these islands. *Michael White, p. 490.*

The mother seals, while rearing their young on the Pribilof Islands during the months of July, August, September, and October of each year, leave the islands and go out to sea to feed, returning at intervals to give nourishment to their young. That they traveled long distances in pursuit of food at these times is a well-known fact and substantiated by the statements of reputable persons who have been on sealing vessels and seen them killed 200 miles or more from the islands and who say they have seen the decks of vessels slippery with milk flowing from the carcasses of the dead females. *W. H. Williams, p. 94.*

SPEED IN SWIMMING.

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[See also "Feeding Excursions."]

By my observation I am convinced that a seal can swim more rapidly than any species of fish, and I believe that a female could leave the islands, go to a fishing ground 100 miles distant and easily return the same day. *Chas. Bryant, p. 6.*
I think seals can without difficulty swim 10, 15, or even 20 miles an hour for several hours at a time.

Food around the immediate vicinity of the seal islands is at the best of times scarce, and as the rookeries increase in the number of their occupants it becomes necessary for them each day to go farther and farther. Distance, however, is no particular object to them, as they are very speedy travelers. *W. S. Hereford, p. 34.*

DEPARTURE FROM THE ISLANDS.

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And commence leaving in October, and but few are found on the islands as late as December, unless it should be a mild winter. *C. L. Fowler, p. 23.*

Jno. Frattis, p. 108.

The cows and bachelors begin to leave in October and November, but their going is regulated somewhat by the weather.

THE BACHELORS.

ARRIVAL AT THE ISLANDS.

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Jno. Armstrong, p. 2.

The large bachelor seals arrive on the islands from the 1st to the 15th of June each year, sleek and fat as they can be.

K. Artomanoff, p. 100.

Male seals from 2 to 6 years old do not go on the breeding rookeries, but haul out by themselves.

Between the arrivals of bulls and females, but rather closely following the bulls, come the bachelors; those immature

J. Stanley Brown, p. 18. young males which furnish the skins of commerce.

The natives after the long winter are eager for fresh meat, and it is usually possible to make drives of them for food not later than May 15, and sometimes from a week to ten days earlier.

Eust Burdulofski et al., p. 206.

The latter part of March came the "hollus-chickie," or younger bachelor seals; these in turn were followed by smaller males.

The young male seals from 1 to 5 years of age, called "bachelors," come about the same time as the females, but do

S. N. Buynitsky, p. 21. not go onto the breeding rookeries, evidently fearing the old bulls. These bachelors haul up by themselves on narrow places along the shore left between the breeding rookeries, and from these points proceed inland much farther than the breeding rookeries.

Geo. Comer, p. 598 (Antarctic).

The young "wigs" or nonbreeding males, not being allowed on the rookeries, herd by themselves, and never molest the harems.

The young male seals from 2 to 5 years old come in May or June and haul out by themselves; the older ones usually

C. L. Fowler, p. 25.

come first.

John Frattis, p. 108.

The bachelors come in May, the older ones first, and they continue coming till July, when the younger ones arrive.

The bachelors, or young males, began to arrive about the same time as the cows. The bachelors try to land on the

Louis Kimmel, p. 173. breeding rookeries occupied by the bulls, but are driven off by the older males and are compelled to herd together by themselves separately from the bulls and cows.

Then the oldest of the bachelors come, after the bulls, and they keep coming till July, and they haul out by themselves on the hauling grounds; and the bulls and cows go together on the breeding rookeries. If the bachelors went on the breeding rookeries the bulls would kill them. *Nicoli Krukoff, p. 133.*

About the middle of May the young males begin to haul out, but are driven off by the bulls, who would tear them to pieces if they went on the breeding rookeries. *Aggei Kushen, p. 129.* Consequently the bachelors haul out by themselves and are easily surrounded and driven into the killing ground without disturbing the breeding rookery.

The bachelors commence to haul out in May, and they haul out till late in July, the older ones coming early and the younger ones later. *Anton Melovedoff, p. 144.*

The young males, or bachelors, whose skins are taken by the lessees, begin to haul out in May, and they continue to haul out until late in July, the older ones coming first and the younger ones later; and they herd by themselves during May, June, and July, because were they to approach the breeding grounds the bulls would drive them off or destroy them. *L. A. Noyes, p. 82.*

The young males, or bachelor seals [begin to appear], about the same time [June 1]. *Thomas F. Ryan, p. 174.*

THE KILLABLE CLASS.

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(See "The Killable Class," under "Management of the Seal Rookeries.")

FEEDING.

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[See also "The Cows.—Feeding Excursions."]

The greater part of the older bachelors appear to be always about the rookeries after the cows come. *John Armstrong, p. 1.*

While the same seals [large bachelors] in September are very thin in flesh, or in about the same condition as the bull seals then are, which, it is well known, do not leave the rookeries for some four months, on the other hand, the yearlings and 2-year-olds remain in good condition the entire season, and must, I think, go off to the feeding grounds occasionally during the summer. *John Armstrong, p. 2.*

The "Holluschickie" (bachelors) do not go out to feed. When they come in May there is plenty of fish in their stomachs, but after June there is nothing. *Karp Besterin, p. 103.*

Young "wigs" go into the water, but during the breeding season hang around the rookeries, never going far from shore. *Geo. Comer, p. 598 (Antarctic).*

I have also observed that the male seals killed soon after they come to the islands are fat and their stomachs filled with food, while those killed in the latter part of the season are poor and lean and without food in their stomachs.

C. L. Fowler, p. 26. I do not think the bachelors go to feed from the time they haul out until they leave the islands in November, for I *Jno. Fratiss, p. 108.* have observed the males killed in May are fat and their stomachs full of fish, mostly codfish, while the males killed in July and afterwards are poorer and poorer and their stomachs are empty.

W. S. Hereford, p. 35. Of the stomachs of the killable seals, I may say that there is no degree of regularity in what may be found in them; perhaps oftener nothing, many times a few worms, frequently a few small stones, sometimes a quantity of pea-soup-looking fluid, the result of the process of digestion, while some may contain the remains of fish bones, kelp, etc.

Nicoli Kruskoff, p. 133. I think the bachelors do not eat from the time they arrive till they go away, and I think so because the seals killed in May and early June are fat and have plenty of food in their stomachs, while those killed later than June are poor and their stomachs are empty, and they get poorer and poorer until they go off in November.

Anton Melovedoff, p. 144. And I have found that the seals killed in May and early June were fat and that their stomachs were full of food, principally codfish, and that later in the season they were poor and had nothing in their stomachs.

J. C. Redpath, p. 149. Young males killed in May and June when examined are found to be in prime condition, and their stomachs are filled with fish—principally codfish—but those killed later in the season are found to be poor and lean and their stomachs empty, which shows that the males rarely leave the islands for food during the summer months.

Dan'l Webster, p. 180. I have observed that the male seals taken in the forepart of the season, or within a few days after their arrival at the islands, are fat and their stomachs contain quantities of undigested fish (mostly cod), while the stomachs of those killed in the latter part of the season are empty; and they diminish in flesh until they leave the islands late in the season. I am of the opinion that while the female often goes long distances to feed while giving nourishment to her young, the male seals of two years old and over seldom, if ever, leave the islands for that purpose until they start on their migration southward.

MINGLING WITH THE COWS.

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J. Stanley Brown, p. 14. From my observation as to the vitality of male seals I believe that it is difficult to determine with absolute accuracy the capacity of the bull seal for rookery service, as it must in large measure depend upon the per-

sonal equation of the individual; but I am nevertheless of the opinion that a conservative estimate would be that he could serve without difficulty at least one cow per day during his stay upon the rookery. Possibly the best results would not be achieved thereby, but this capacity, taken in connection with the fact that young males persistently seek their opportunities upon the rookery margins and at the water's edge during the entire season, leaves no doubt in my mind that no breeding female leaves the island unimpregnated.

Up to the 20th of July the breeding grounds present a compact, orderly arrangement of harems; but, under the combined influence of the completion of the serving of the females and the wandering of the pups, disintegration begun at that date rapidly progresses. It is at this time that the virgin cows of 2 years of age, or not older than 3, mingle more freely with the females and probably enter the maternal ranks, for the unsuccessful males and maturer bachelors, no longer deterred by the old males, also freely wander over the breeding grounds.

DEPAERTURE FROM THE ISLANDS.

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And they (the bachelors) remain on or about the islands until the inclemency of the weather compels them to leave, which is usually late in the fall or early winter. *C. L. Fowler, p. 25.*
Occasionally some remain till late in January.

The bachelors, cows, and pups go in November, the older bachelors leaving late in October and the pups in November. Sometimes in good, mild weather bachelors *Anton Melovedoff, p. 144.* are found and killed for food late in January.

MIGRATION OF THE HERD.

CAUSES.

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All the seals, when they leave the island, go off *Kerrick Artomanoff, p. 100.* south, but I think they would stay around here all winter if the weather was not so cold.

The greater part of the seals that we find in the North Pacific Ocean are born on the islands in Bering Sea. Most of them leave there in October and November. If *William Brennan, p. 358.* the weather is mild they stay longer, but when the snow falls they leave the rookery and take to the water. Here they swim around for some days, and if it grows milder and the snow melts a great many will haul up again, but if the weather remains very cold all leave and start for the south.

The time they* leave the islands is generally the middle of November, but the weather is the true mark of such departure, they seeming to be unwilling to stay after *Chas. Bryant, p. 5.* the first snow or sleet comes. On departing from

*The pups.

their island home they proceed southward through the Aleutian passes, the majority going through or to the eastward of the pass of longitude 172° . The cause of their departure is doubtless the approach of cold weather and the lack of sufficient food.

Providing the conditions were the same on the islands the year round as they are in the summer, and providing the food supply was sufficient in the immediate vicinity of the islands, I think the seals would remain on or about the islands during the entire year. The seals evidently consider these islands their home and only leave them by reason of lack of food and inclement weather. Some seals remain about the islands until the first of January, and the winters of 1874 and 1875 being exceptionally mild, seals remained on or in the vicinity of the islands during the whole year.

The seals leave the rookeries in March when ice begins to form around the islands and the snow commences to fall. The *Jas. W. Budington, p. 596* (*Antarctic*). Terra del Fuego and Patagonian seals, however, never leave the rookeries or the waters in the vicinity, only going out into the inland waters in search of food. About Terra del Fuego no ice forms and no snow falls that remains. The temperature remains about the same summer and winter. I think if ice formed there and there was much change in the temperature the seals would migrate northward to warmer waters.

The seals inhabiting these shores do not migrate, but always remain on or near the land, only going a short distance *Geo. Comer, p. 597* (*Antarctic*). in search of food, and at all seasons and in every month of the year seals can be found on shore.

I am of the opinion that, provided the weather remained the same the year round as it is in the summer, that the *Sam'l Falooner, p. 165.* seal herd would stay in the vicinity of the Pribilof Islands during the entire year, for the seal evidently considers these islands its sole home. The cause of leaving is, as I believe, the approach of cold weather, with snow and ice, and perhaps a lack of food supply.

Cold stormy weather, with sudden heavy frost, will drive them off sooner, so that the islands will be deserted by *Jno. Fraties, p. 108.* December 15, while warm weather will keep plenty of bachelors here until late in January, when I have known them to be driven and killed for food.

I think the duration of the winter season has a direct bearing on the northward migration of the fur-seal species, as I *Norman Hodgson, p. 366.* have observed that they move that way earlier after an open winter than an unusually severe one.

Q. Judging by the direction that seals were traveling during your experience, where do you suppose was their destination?—A. I couldn't say as to that; I know *Andrew J. Hoffman, p. 447.* they traveled southward to a more milder climate.

The climate and food supply undoubtedly control the migration of the seals as they do other animals. The old males being hardier and stronger can withstand the climate and secure food under conditions that would be unendurable for females and young. Male seals remain upon and around the islands until the ice appears. The natives say the cod-fish also disappears with the first appearance of ice. Many of these males, I believe, remain upon the fishing banks in Bering Sea during the rest of the winter. Some of them go to the banks outside of the Aleutian chain, and others to the banks farther east.

The fur seal belonging to this island [Guadelupe.] does not migrate, the climate being sufficiently uniform all the year round to make it unnecessary for them to do so. *Isaac Liebes, p. 515.*

The movements of the seals are governed quite considerably by the weather. *Anton Melovidoff, p. 144.*

Early in November, convoyed by the older seals, the pups leave the island and go to the southward, apparently moved thereto not only by migratory instincts, but because the weather at the islands at this time becomes unendurably severe for them, and perhaps for the further reason that a sufficient food supply for all can not be found in the immediate vicinity of the islands. But the inference is reasonable that they prefer to stay upon or near the islands at this time, from the fact that as long as the weather is comfortable the pups and nonbreeding seals may always be found there in large numbers; and even after snow falls and severe weather has been recorded, the nonbreeding males, upon the recurrence of milder weather, again resort to land, and have, within the time of my connection with the business, been repeatedly captured upon the islands in considerable numbers in December and January. Without the data at hand from which to absolutely verify my statement, I think I am correct in saying that this class of animals remained in the vicinity of the islands throughout three of the twenty years from 1870 to 1890, and more or less of them were killed on shore in every month.

I believe all classes of seals would remain constantly about the islands if conditions of climate and food supply were favorable to their doing so.

On the approach of inclement and wintry weather the seals migrate to find places where food is abundant and where the climatic conditions suit them best; but it is notable that they are governed in this solely by consideration of their own comfort and convenience, and not by any fixed or even approximate time.

Indeed, so well are the people of the islands aware of their habits in this respect, that they carefully watch for the approach of ice or of severe storms from the northwest before taking their supply of seals for winter food.

I have seen many seals upon the Island each month in the year, with a possible exception of the month of March; and I have been informed that, since I left the service, seals have been seen and captured on shore in this month also.

The time of their * departure depends a good deal on the state of the weather; if the winter is open, they may be found much later upon the islands, and if particularly warm, seals may be found during the whole winter upon and about the islands. Probably, too, they are induced to leave the islands in pursuit of food. In my opinion, if the islands were a little warmer in winter and not surrounded by ice, the seals would remain there the year round, as they evidently consider the Pribilof group their home.

The seal life seems reluctant to depart from the islands, and does not entirely disappear before December or January; while indeed, if the winter be an open and mild one, some of the old males will not depart at all. The seals are undoubtedly driven from the island by the severe winter climate of Bering Sea and the necessity of seeking food. Were it not for these facts, I should be unable to conceive of any reason for their migration.

They do not migrate, but may be found on and about the islands at all times of year. With this exception their habits do not vary, as far as I know, from those of fur-seals in Alaskan waters.

The fur seals of the north, unlike the hair seals, do not seem to like the severe cold weather and ice of the north, for they migrate to the southward upon its approach, while those inhabiting the tropics, as at the Galapagos Islands, leave the islands perhaps, but do not go, so far as is known, to any great distance.

Fur-seals first appear off the coast of the mainland, in the neighborhood of Port Etches, early in the month of April, providing the winter has been one of average duration. I believe the severity of the winter season has a direct bearing on the time of the movement northward of the fur-seals, as I have observed that if it has been an open one, they appear at an earlier date; while after an unusually severe one the seals are later in making their appearance.

THE COURSE.

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Our occupation does not take us below the entrance to Cooks Inlet, in a line from Cape Elizabeth on the peninsula to Cape Douglass on the mainland opposite. In the latter part of June and the first part of July a few straggling fur-seals are seen about the entrance to the inlet, but the actual time of their appearance is uncertain.

Andrew Anderson, p. 217. I usually first fall in with fur-seals off Cooks Inlet about the first of June.

* The pups.

The main herd of the fur-seals bound for the Pribilof Islands moves through the passes of the Fox Islands of the Aleutian chain, Unimak Pass being the eastern and the Four Mountain Islands Pass the western bounds through which the seals move in large numbers. A few occasionally go through Morzhovoi Pass on their way north, and in the passage south in the fall gray pups often stray into Unalaska Bay as far as Captains Harbor, doubtless thinking it is one of the passes through the group. I never saw a fur-seal in the water between Atka and the island Attu. The natives along the northern shores of Bristol Bay have no knowledge whatever of fur-seals, nor do those of St. Michaels appear to be any better informed.

The seals first pass into Bering Sea early in May and keep on arriving as late as the latter part of July, but most of them I think enter the sea during the latter part of June or early in July. I do not know at what times they leave, but have observed that it depends on the mildness of the winter how soon they begin to depart. I can not distinguish the sex of seals in the water. Neither do I know the usual times of the arrival and departure of the various categories to and from the seal islands; do not know through which passes the bulls, bachelors, and females usually move; but the westernmost passes are those most frequented by gray pups in the fall on the way south.

Seals are first seen at Prince William Sound *N. W. Anderson, p. 223.*
about May 1.

Fur-seals usually appear in the vicinity of *Nicoli Apokche et al.,
Cooks Inlet early in the month of May. p. 224.*

The fur-seal goes away from the island in the fall or winter and he returns in May or June, and I believe he will haul up in the same place each year, for I particularly noticed some that I could tell hauled up in the same place for a number of years; and when we make drives, those we do not kill, but let go into the water, are all back where we took them from in a few hours. * * *

When they come back to the islands they come from the south, and I think they come from the North Pacific Ocean over the same track that they went. The females go upon the rookeries as soon as they arrive here, but the yearlings do not come on land until the last of July, and yearling males and females herd together. I think they stay in the water the most of the time the first year, but after that they come regularly to the hauling grounds and rookeries, but do not come as early in the season as they do after they are 2 years old.

I start the season off Yakutat. The first seals are seen about April first. We follow the seals back and forth as schools come along.

Chas. Avery, p. 218.

Seals are first seen and taken by me each year off Sitka Sound about the middle of April. Have followed them as far north as Cape Edward, where they disappear about June 30. They are constantly on the advance up the coast.

Adam Ayonkee, p. 255.

Q. When does sealing commence in the Pacific, and when does it end?—A. Sealing practically commences there in *Geo. Ball, p. 482.* January, and it practically ends between the 25th of June and the 5th of July. The latest I ever hunted was about the 5th of July, and with very indifferent success.

Q. When does sealing commence in the Bering Sea, and what date does it end?—A. Sealing commences in the Bering Sea about the 5th of July and ends in November, with heavy weather; that is, it is ended about October or the last of November by reason of the bad weather not permitting any hunting of seals.

Q. Judging by the direction that seals were traveling during your experience, where do you suppose was their destination?—A. In the fall of the year they leave their rookeries and travel to a warmer climate, traveling from 5 miles to 100 miles offshore.

I have first seen and taken seal off Cape Flattery in March; have *Wilton C. Bennett, p. 356.* followed the seal up as far as Bartlett Sound, which they leave about June 1.

Edward Benson, p. 277. Have hunted seal in canoes; begin to hunt the last of March and hunt till the middle of June.

I began to take seal off Cape Flattery about March 1. Followed the seal north and entered Bering Sea about July 20. *Martin Benson, p. 405.* The seal are constantly on the move up the coast from the time they first make their appearance off Cape Flattery.

The breeding cows and full-grown bulls leave first, the old bulls perhaps a month or more before the young males and *William Brennan, p. 358.* cows. They travel along the coast, following the Japan stream on both sides of the Pacific Ocean, those from the Pribilof Islands on this side, and those from the Commander Island on the Asiatic side. On the American side, some of them travel as far south as Lower California, and on the Asiatic side as far south as Japan and perhaps farther. On the American coast they are found as early as January off southern California, in limited numbers, and are more plentiful farther north later in the season. They gradually work towards the north, and about March are "bunching" off Grays Harbor and the Columbia River, and are found in large numbers a little later about Cape Flattery and Vancouver Island. They are found close inshore to 40 or 50 miles off. After June very few remain along the coast. A few stragglers may be seen about that time; the most of them start in earnest for the rookeries about that time, in the Bering Sea. The cows are at this time heavy with young, and are slow and sluggish.

On the United States Pacific coast and Vancouvers Island, in fine weather, they are found, as I have said, 40 or 50 *William Brennan, p. 360.* miles offshore; but during bad weather they approach nearer the coast. On the Japan coast, about November or earlier, depending on the weather, they are seen in great numbers among the islands off the Nemoro group, and I have also seen several off Inneboi-Saki, but do not know whether they are to be found off that coast in the spring or not. Steamers and schooners going north keep close inshore, and in returning too far off to see seals, pro-

vided they travel that coast, as I believe they do, many having been shot off the Kurile Islands in the spring and summer months.

All the seals along the coast go to the Prybilof Islands to breed. The cows leave here in June and the yearlings some time in the middle of July. *Bowa-Chup, p. 376.*

The fur-seals appear off Cape Flattery and in the Straits of San Juan de Fuca about the last of December and go and come until about the middle of June, but yearlings and 2-year olds remain considerably later. *Peter Brown, p. 378.*

From my inquiries and observations I am convinced the seals, after going through the Aleutian passes, seek the vast schools of fishes which, at this season of the year, are to be found in the North Pacific, then following these fishes as they migrate towards the American coast for the purpose of spawning, they appear off the California coast during the early part of the year. The seals then go northward, still following these schools of fish, the males arriving again at Bering Sea in the early part of May and the females in June and July and proceeding at once to their island home.

The young seals are now a year old, and I am of the opinion the sexes herd together. This year they leave the islands a little earlier than the previous season and make the same migration in search of food. Returning again, this time as "two-year-olds," the males go upon the hauling grounds with the bachelor seals and the females land on the breeding rookeries. It is probable that the females of this age are fertilized by the bulls and leave the islands in the fall pregnant.

In the fall of the year, chiefly during November, when the wind coming from northerly directions blow them toward these shores, was the time to go out and capture *Ruth Burdukofski et al., p. 206.* the young seals.

When the wind blew from the southerly directions no pups were to be found. I never saw any older seals with them, and can not say just what time the seals of different ages and sexes go through the passes in this vicinity.

I believe these pups were the weaker ones, who could not follow their mothers, and being temporarily lost were driven by northerly winds into the quieter bays and harbors, and there rested. No old seals ever haul out in this vicinity. Immediately after northerly gales, and before the water has grown so quiet that the young pups can again continue their journey, is the best time for capturing them. There is no regular time about this, it depends on the weather. In late years I have not hunted, but when I did this village caught from 150 to 200 pups. So much depends on the weather that sometimes more and sometimes less are caught. In recent years guns and occasionally fishing nets are used with better results.

Seals appear off this coast the latter part of December, and are gone by the middle of July. Cows appear to leave *Landis Callapa, p. 379.* earlier than the younger ones.

First seen and taken seal by me off the Columbia River in February. The seal are constantly advancing up the coast. We follow the seal up the coast until we enter the sea about July 6. *Chas. Campbell, p. 256.*

In the latter part of June and the first part of July, while engaged in hunting, we have observed fur-seals about the entrance of the inlet,* passing to the westward; but have never seen any above Anchor Point.

Ivan Canetak et al., p. 229.

I usually left San Francisco in February or March of each year and sealed along the coast, following the herd north *Jas. L. Carthcut, p. 409.* on their way to their breeding grounds on the Pribylov Islands in the Bering Sea. I usually entered the sea about the 1st of July and came out in September.

During the months of March, April, May, and June the seals in the North Pacific are traveling leisurely towards the passes into Bering Sea.

Chas. Chalall, p. 410. We generally left San Francisco in March or April, and we sealed along the coast up to Queen Charlotte Sound.

About the middle of April the first seal are seen and taken by me off *Simeon Chin-koo-tin, p. 256.* Sitka Sound. At this time the seals are advancing up the coast.

Last year (1891) I hunted for seals at sea. We first met them in the region of Prince William Sound, and followed *Julius Christiansen, p. 219.* them to the vicinity of the Barren Islands off Cooks Inlet.

Have first taken seal off Sitka Sound the middle of April. Followed the seal up the coast as far as Yakutat, where *Peter Church, p. 237.* they disappeared the last of June.

Jas. Claplanhoo, p. 381. Seals generally appear off Cape Flattery about the 20th of December.

About the 1st of January seals begin to appear around the cape and slowly make their way north and are gone by the middle of July. The grown cows are the first to go, and leave before the middle of June. Young seals remain to the last.

Have hunted fur-seal nine years in Dixons Entrance and off Prince of Wales Island, in and between March and June. *Wm. Clark, p. 293.* The seal disappear early in June, going north.

Q. When does sealing commence in the Pacific and when does it end?—A. Sealing commences in the Pacific about *Danl. Claussen, p. 412.* the 1st of January and ends about the 1st of July.

Q. When does sealing commence in the Bering Sea and when does it end?—A. Sealing commences in the Bering Sea about the 1st of July and ends about the last of October.

Q. Judging by the direction that seals were traveling in the spring of the year, during your experience, where do you suppose was their destination?—A. To the rookeries in the Bering Sea.

*Cook.

I have observed that fur-seals first appear in the neighborhood of Cooks Inlet in small schools about the middle of April, coming from the southward, and increase in numbers until the latter part of May, traveling along the coast of the mainland from the eastward to the westward. *M. Cohen, p. 225.*

Upon the approach of winter the seals leave their home, influenced doubtless by the severity of the climate and decrease in the food supply. They go southward, *W. H. Dall, p. 23.* making their way through the passes of the Aleutian chain. In latitude 50° or thereabouts, extending across the Pacific east and west, is a warm current of about 70 or 80 miles in breadth; in this warm water are found fish and crustaceans. This current sets eastward and is somewhat quickened at the approach of spring in harmony with the monsoons of its place of origin. In the spring and fall I have seen seals in these warmer waters, but in August, when I once crossed the current, they were absent. Undoubtedly the seals find there agreeable temperature and sufficient food supply, and, following the eastward set of the current and the migrations of the fish, find their way to the western coast of the United States and, thence turn northward being influenced by the bountiful food supply along the northwest coast, and finally by that route return to their home upon the Pribilof Islands.

The cows seem to disappear from the coast sooner than the young seals do.

The seals first appear off the cape about Christmas, and I have caught young seals as late as July. *Frank Davis, p. 383.*

First found and taken seal off Cape Flattery in January and followed them up the coast into Bering Sea, which they enter about June 20. *George Dishow, p. 323.*

At Afognak, where I was for two years engaged in fur trading, handling skins and furs of all descriptions, I observed that the fur-seals first appear off that part of the coast in small numbers about the latter part of the month of April. They were most numerous towards the middle of June, passing in schools from the eastward to the westward, following general trend of the coast. *John Duff, p. 277.*

The seals appear in the straits of San Juan de Fuca the latter part of December, and are all gone by the middle of July. *Ellabush, p. 385.*

The full-grown cows leave this vicinity for the north earlier than the younger ones do. I catch more young seals in May and June than I do earlier in the season.

A year ago last March I saw a heard of seals of from 500 to 600 just above Cape Mendocino. I have also often met large numbers scattered along the coast of Cape Flattery, generally from 10 to 20 miles offshore. I have never been around the coast from Sitka to Prince William Sound. From what I have seen and heard I believe seals are found from Cape Mendocino up to Cape Flattery in the winter months. In December,

January, February, and March of the years 1890 and 1891 I was running on regular passenger trips from here to Puget Sound. I frequently saw both seals and hunters. I think the seals commence to leave the coast working their way north in March and April. Two years ago this spring, within 20 or 30 miles off Cape Flattery, west of the coast of Vancouver I sighted one trip five or six sealing schooners.

The seals generally appear in the Bering Sea about the latter part of April. I think, however, their arrival depends a great deal upon the season. The large bachelor seals and the old bulls are the first to enter the sea about April or May, and the cows generally commence to arrive and are seen by thousands in the middle of June.

This seal herd is migratory, leaving the islands in the fall or early winter and returning again the following spring; *Saml. Falconer, p. 164.* and it is my opinion that the adult males, called "bulls," return as near as they are able to the same place on the same rookery year after year. In fact the natives pointed out to me one old bull who had returned to the same rock for five years successively.

During June and the first part of July the females and pups go through the Passes, and, entering Bering Sea, again seek the islands. During their second summer the young seals herd together, the females not going upon the breeding grounds. Again in the fall they leave their home on the approach of cold weather and make the second migration south. After this migration the females, now "two-year-olds" or "virgin cows," go on the breeding rookeries, and the young males on the hauling grounds.

I have observed while engaged in hunting sea-otter, that fur-seals first appear off this part of the coast in the vicinity of Cape Elizabeth, about the middle of the month of April, and are most numerous about the middle of June. They move across the mouth of the inlet from the eastward to the westward in schools.

Wm. Foster, p. 220. The seals appear off Cooks Inlet about May 1st. They appear off Unga about the 1st of June.

I always hunted seals in Dixons Entrance, and off Prince of Wales and Queen Charlotte islands in March and June. *Frank, p. 294.* The seal disappear in June towards the north.

There are seal in Dixons Entrance in March, but the wind blows so hard that it is impossible for us to hunt them in canoes. Have always hunted in Dixons Entrance and off Prince of Wales Island during the month of May and June each year. The seal all disappear about the first of June, going north.

Q. When does sealing commence in the Pacific, and when does it end?—A. Sealing commences in the Pacific about *Luther T. Franklin, p. 425.* the beginning of February and ends about the 1st of May.

Q. When does sealing commence in the Bering Sea and what date

does it end!—A. Sealing commences in the Bering Sea about the 1st of May and ends about the last of September.

Q. Judging by the direction that seals were traveling in the spring of the year, during your experience, where do you suppose was their destination!—A. The seal islands and the Bering Sea.

When the seals leave the island they go southward and through the passes of the Aleutian Islands and into the Pacific Ocean. *Jno. Fratto, p. 108.*

Q. When does sealing commence in the Pacific and when does it end!—A. Sealing commences about the 1st of January and ends about the middle of July in the Pacific. *Edward W. Funcke, p. 428.*

Q. Judging by the direction that seals were traveling during your experience, where do you suppose was their destination!—A. Well, they were bound toward the Bering Sea, I should judge.

I have found fur-seals always plentiful in the water, in the spring and early summer, off the Alaskan Peninsula, along the fishing banks, from 20 to 30 miles distant from land, but have seldom seen them at much greater distance than 30 miles. *Frank M. Gaffney, p. 431.*

We first find the seal off Cape Flattery in January. I followed the seal up the coast into Bering Sea, where we arrived the last of June. *Chad George, p. 365.*

Have hunted seal between Sitka and Cross sounds. They first appear about middle of this month* and disappear about the last of June. *James Gondowen, p. 259.*

The seals are found off the coast of California in January of each year, and the sealing fleet goes along with them as they proceed northward, never losing track of them and fishing every good day. By the latter part of June fleet and seals have arrived in the vicinity of the Aleutian Island grasses. Pregnancy is now far advanced, and young ones taken from their dead mother's womb have lived several days on the decks of the ships. Those that I caught last year—the pups, I mean—were thrown overboard.

In the latter part of March a few fur-seal usually first make their appearance in Prince William Sound, and are most plentiful in the latter part of April. They are mostly large males, very few females being taken, and those only towards the close of the season, in the latter part of May. *Nicoli Gregoroff et al., p. 234.*

First seal seen and taken were off Cape Flattery, about April 15, and followed the seal into Bering Sea, where we arrived about July. *Jas. Griffin, p. 433.*

Fur-seals were first met off Cape Flattery as early as the first part of the month of January, and increased in numbers until the early part of June, diminishing again towards the latter part of the month. Their mi-

gratory movement is from the southward to the northward, following the general trend of the coast line. They first approach the coast en masse about Cape Flattery, but I have known of stragglers being seen as far south as Coos Bay. The vessels in which I sailed followed the seals up the coast of Vancouver Island as far north as Clayoquot Sound, at which point we left them in the latter part of July, owing to their scarcity. Other and larger vessels followed them to a greater distance, generally going up into Bering Sea, and keeping along with the main herds.

Q. Have you any experience as to the habits of the fur-seals?—A.

Not any more than they seemed to emigrate in

Chas. G. Hagman, p. 435. the winter and go north in the summer. That is all I know of their habits. I have never seen them out of the water.

Q. What time of the year do you generally start out sealing in the Pacific and up to what time do you continue?—A. From the 1st of February, as a general thing, until about June, on the coast. Then we used to go in the Bering Sea. I have not been there for four or five years.

Q. What time of the year are the seals all out of the Pacific, having gone to the Bering Sea?—A. They generally leave in June. You don't see but very few after June.

I do not remember ever having seen a fur-seal in the water between the Four Mountain Islands and Attu Island. The *Chas. J. Haggis, p. 207.* main body of the fur-seal herd bound to and from the Pribilof Islands move through the passes of the Fox Islands, Unimak on the east and the West Pass of Umnak on the west being the limits between which they enter Bering Sea in any number. I do not know through what passes the different categories move or the times of their movements. Rarely see fur-seals in the Pacific between San Francisco and the immediate vicinity of the passes.

Have hunted fur-seal in a canoe. Have had my hunting lodge on Dundas Island and Nicholas Bay, and hunt seal *Henry Haldane, p. 281.* from the last of March to the first of June off Prince of Wales Island, in Dixons Entrance, and Queen Charlotte Sound. They all disappear about June 1 on their way north.

First find and take seal in January off Columbia River. They are then advancing up the coast. We follow them *Martin Hannon, p. 445.* until they enter Bering Sea about July 1st.

Q. Have you any experience as to the habits of the fur-seal?—A. I have been catching a good many of them. I don't *H. Harnsen, p. 442.* know much about their habits. You mean on the coast?

Q. Yes; their general habits of going and coming?—A. Yes, they generally come round on the coast about a week before Christmas and up until about the middle of June, when they leave the coast and go north.

Q. What time of the year do you generally start out sealing in the Pacific, and up to what time do you continue?—A. We start out about New Year's.

Q. What time do you come in again?—A. About the middle of September or October.

Q. What time of the year are the seals practically out of the Pacific, having gone to the Bering Sea?—A. About the middle of June.

Q. When does sealing commence in the Pacific and when does it end?—A. Sealing commences in the Pacific about the 1st of January and ends about the last of *Wm. Henson*, p. 483. June.

Q. When does sealing commence in the Bering Sea and when does it end?—A. It commences in the Bering Sea about the 1st of July and ends about the 1st of November.

Q. Judging by the direction that seals were traveling in the spring of the year during your experience, where do you suppose was their destination?—A. They go north *Wm. Henson*, p. 484. during the spring of the year.

Q. When does sealing commence in the Pacific, and when does it end?—A. Sealing commences there about the 1st *Andrew J. Hoffman*, p. of January and ends about the 1st of June. 446.

Have seen and taken the first seal off the west coast of Vancouver Island in April. The seals then are on the advance up the coast. *E. Hofstad*, p. 260.

In regard to the migration of the seal, from all I have learned I am of the opinion that the seals upon leaving the *C. L. Hooper*, Vol. 1, p. Pribilof Islands, make their way to the coast of 503. California and Oregon in much less time than is generally supposed. The females and young leave first, commencing in October. The younger males follow, and I am convinced, join and remain with the females until they return to the islands, although it appears that they do not haul out at the same time as the females. We found the females, yearlings, and two-year-olds of both sexes together at all times. I have been told by seal hunters that it is no unusual thing to find a young male keeping watch near a sleeping female; that when but two seals are seen together one is a young male and one a female, and that, if either, it is the female that is asleep.

It is well known that many seals, especially males, remain on the islands well into the winter. According to the statement of a hunter who was on board at the time, the British schooner *Borealis*, Hanson, master, raided Southwest rookery on St. Paul Island on the night of November 27, 1891, and took 480 seals, which would indicate that at that time seals were still plentiful on the island.

I visited the Pribilof Islands about January 23, 1886, in command of the revenue steamer *Rush*, and was told that a "drive" had been made the day previous to our arrival and 1,000 seals killed. Quite a large number of seals were on the rookeries at that time—all males I was told. We sailed on that cruise January 2 via Puget Sound about January 9. During the passage from Puget Sound to Unimak Pass, after clearing the land we saw fur-seals nearly every day. These were probably some of the last to leave the islands, and were on their way to the American coast in search of food and a milder climate. Those which left earlier were already upon the coast. As shown by the affidavits of the sealers, they begin to take seals on the coast of California in January.

Old bulls are rarely seen south of Gross Sound, while we found them

plentiful and apparently in peaceful possession of a liberal supply of red rockfish about 75 miles off Yakutat.

As the cold weather approaches, the females and young leave Bering Sea, and about two months later appear off the American coast, where they find a genial climate and an abundance of food. They appear on the coast of California and Oregon simultaneously with the smelt and herring. As I previously reported, we learned upon our arrival at Astoria, March 18, that the smelt had come and gone; that they were unusually early this year. We were told by the sealers off the coast at that time, and our observations confirmed it, that the seals were moving north unusually early. On the coast of Alaska in April and May, when according to our observations and the testimony of the Indians seals are most plentiful, we found the bays filled with herring, smelt, and eulachon.

The seals commence to appear in the Straits of San Juan de Fuca about the 1st of January or the last of December

Alfred Irving, p. 386. and come and go to the middle of July. The general course seemed to be to the north, and by the middle of June the grown cows were most all gone, but the younger ones used to be quite plentiful until about the middle of July, when they would also disappear.

Q. What time of the year do you generally start out sealing in the Pacific and up to what time do you continue?—

Gustave Isaacson, p. 439. A. In the middle January or February.

Q. What time of the year are the seals all out of the Pacific, having gone to the Bering Sea?—A. About the latter part of June.

Q. What time of the year do you generally start out sealing in the Pacific, and up to what time do you continue?—A.

Frank Johnson, p. 441. From the latter part of January, generally, until the latter part of September; the middle of September.

Q. What time of the year are the seals practically out of the Pacific, having gone to the Bering Sea?—A. I always found them very scarce in the latter part of June.

Selvish Johnson, p. 389. Seals appear off Cape Flattery in December and January and nearly all of them are gone by the first of July.

The seals first make their appearance about the middle of April off Sitka Sound, and disappear about July 1. They
P. Kahkitday, p. 282. are then on their way up the coast.

Do not know where the old bulls spend the winter, and do not know the routes the fur-seal herds take in their migrations.

Saml. Kahoorof, p. 214. tions to and from the Commander and Pribilof islands; neither do I think the two herds come near enough together in these latitudes to mix.

P. Kashevaroff, p. 281. First seal were seen off Sitka Sound in May by me. We followed the seals as far as Sand Point on Unger Island.

In the winter time some young seal frequent *P. Kashevaroff*, p. 262. the inside passage.

Have always hunted them in Dixons Entrance and off Prince of Wales Island between March and June. Hunt them until the last of May, when the seal disappear, going north. *King Kaskwa*, p. 295.

Always hunted in Dixons Entrance and off Prince of Wales Islands in May and June. In June the seal all go up north. They come in March, but it is too stormy *Jim Kasook*, p. 296. to hunt them.

Have first seen seal off Sitka Sound about *Mike Kethusduck*, p. 262. April 15. They all disappear by the last of June.

I usually commence the voyage near the coast of California in the early part of January and continue along up the coast, following the herd on its way to its breeding grounds until the latter part of June, hunting all the way and entering Bering Sea about the 1st of July, and remaining in those waters until about the 10th or 15th of September.

Have hunted fur-seal for twelve seasons off Prince of Wales Island. Have always hunted seal a month and a half before the small birds hatch, and they hatch about *Jas. Klonasket*, p. 283. June 1. The seal all go north about this time.

Have hunted fur-seal for three years in Dixons Entrance and off Prince of Wales Island in the month of May. The seal all leave there by the first of June; *Robert Kooko*, p. 296. think they go north.

Fur-seals usually first appear in Prince William Sound in large schools, early in the month of April.

The most of the bulls leave the island in September, and the cows in the last of October and early in November, and the pups leave in November; sometimes when the weather is warm a few seals remain until January at Northeast Point and on "Sea Lion Rock."

In 1890 we killed seals at both places late in January, and we seen seals on Sea Lion Rock in January, 1892. I have noticed that the seals go off south as soon as the beach becomes icy, and when the land is surrounded by drift ice the seals disappear entirely. I do not know where the seals go to when they leave the island, but I do think they come back to the same rookery every year.

First seen and taken seal off Sitka Sound; about the middle of April each year they make their appearance. They are *Jno. Kowineet*, p. 264. then working northward and westward.

At this village we see no seals in the spring, but late in the fall, in late October, we go out in our bidarkas and catch with spears and sometimes guns the young pups which were born on the seal islands in the sum-

mer and are now going south. We do not use nets. There are no old seals with these pups; they are the young pups that are driven in by the strong north winds. We go out as far as the cape at the mouth of Makushin Bay and find the pups here and there; they are never together in great numbers.

When the seals leave the islands they go to the southward, and when they come back in the spring they come from that *Aggei Kushen*, p. 130. direction. The bulls begin to leave the island about the middle of August, and most of them are gone by the middle of September. The cows and bachelors leave in November and the pups follow or go with the cows. When the weather is good a number of seals will cling to the beach or remain in the water around the rookeries until December and sometimes until late in January.

Have always hunted off Sitka Sound. The seals generally make their appearance about April 15 of each year. *Geo. Lacheek*, p. 284. They are then advancing up the coast and disappear entirely about July 1.

In the Victoria vessels we started in to hunt fur-seals off Cape Flattery in February both years, following the seals *E. L. Lawson*, p. 221. along the coast as far as the Fair Weather ground. In the American vessels hunting began at Sand Point in June, and, working on with the main herd from that vicinity, we followed the seals through Unimak Pass into Bering Sea.

We left Vancouver Island on the 1st of June, and on the 9th of the same month, when off Baranoff Island, put over the hunting canoes for the first time. We stayed with the main herd of the seals until the 26th of June, following them along the coast to the vicinity of Cape St. Elias, where we left them and stood across to the entrance to Akitan Pass, occasionally taking a few fur-seals.

Sealing operations were resumed on July 18 to the southward of the Fox Islands, and on the 23d we entered Bering Sea, where we remained fourteen days, at the end of that time returning to Vancouver Island, which was reached on the 28th of August.

The vessels leave port, the most of them going out either from Victoria or San Francisco in the early spring, and *Isaac Liebes*, p. 452. commence their season's work off Cape Flattery in April or the early part of May. They then follow the seals upon their northward passage towards Bering Sea and finally, in June or early in July, into those waters, killing every animal possible as they go. They formerly commenced their voyages still further south along the California coast, but as seals have become scarcer, they do not, in the last year or two, get many south of the Oregon coast.

The first seals appear in the strait and on the coast about the last of December and feed along the coast, and seem to *James Lighthouse*, p. 390. be working slowly to the north, until about the middle of June, at which time the cows are pretty much all gone, but the smaller seals remain until the middle of July.

I seldom see an old bull, and when I do he is much farther from land, and it is early in the season.

The seals appear off the coast outside of the heads in the early part of January. They are traveling all the time north, and from that time on to June they are *William H. Long, p. 457.* traveling towards the Bering Sea.

Q. When does sealing commence in the Pacific and when does it end?—A. It commences about the 1st of January and ends about the last of June. *Charles Lutjens, p. 458.*

Q. When does sealing commence in the Bering Sea and when does it end?—A. Sealing commences in the Bering Sea about the 5th of July and ends about the middle of September.

Q. Judging by the direction that seals were traveling in the spring of the year, during your experience, where do you suppose was their destination?—A. The Bering Sea.

First seal were taken off Cape Flattery about *George McAlpine, p. 266.* the middle of February. We followed them up the coast as far as Mount Edgecumbe.

Have hunted from San Francisco to Kadiak. *J. D. McDonald, p. 266.* First start to hunt about the last of March. They are constantly on the move up the coast.

The fact remains, however, that the great mass of the pups migrate with their elders down through the passes between the islands of the Aleutian Archipelago into the *H. H. McIntyre p. 42.* North Pacific, and are found at any time during the winter months east of longitude 170° west and north of latitude 35° north. Toward spring they appear in increasing numbers off the coasts of California, Oregon, and Washington, and as the season advances still farther north along the British Columbia and Alaska coasts in March and April; thence westerly in May and June and July until they reappear in Bering Sea. The course pursued by the seals in their migration is, to some extent, a matter of conjecture, and the knowledge upon which evidence is given concerning it can not of course be based upon actual personal cognizance by any one man of all the facts from which the conclusion is reached; but it is, nevertheless, I have no doubt, as accurately stated in this paragraph as is warranted by any series of observations.

The pups which I have so far followed in their first migratory round, now appear as "yearlings." They spend perhaps the greater portion of their time, the second summer, in the water, until the latter part of August and September, when they come upon the land, both sexes herding together indiscriminately. They are not at this time, nor are their elders, particularly timid. Upon the near approach of a human form they start toward the water, but generally stop and look about them, unless closely followed, without any indication of fear, and leisurely proceed to the beach, or again lie down upon the sand or rocks. The same demeanor in the water, when about the islands, as they calmly float upon the surface until a boat is almost upon them before they awaken to any sense of danger, seems to indicate that they feel at home on and about the islands.

They again migrate southward for the second time, upon the approach

of cold weather, going a little earlier than in the preceding year, make the same round, and return to the islands as "two-year olds" in June or July. Now the sexes separate, the females going upon the breeding grounds, where they are fertilized before the old male leaves the island in August. * * * * After coitus on shore the young female goes off to the feeding grounds or remains on or about the beaches, disporting on the land or in the water, as her inclination may lead her. The male of the same age goes upon the "hauling grounds" back of or beside the rookeries, where he remains the greater part of the time, if unmolested, until nearly the date of his next migration. Here he has only the native islander's club to fear, which, in the best interests of commerce, should not be used on him until the following year.

After the third migration the female returns to the breeding grounds to be delivered of her first pup, and the male comes again to the hauling grounds, but, as a whole, considerably earlier than he did when 2 years old. Here he remains pretty constantly, if he escapes the club, until the beginning of the rutting season, when his instincts lead him to stay much of the time in the water adjacent to the breeding grounds through which the females are passing from and to the rookeries, or when allowed by the older non-breeders, to coquette with the females upon the beach stones awash at the edge of the water.

The fourth and fifth migrations are about the same as the third. The female has already become a yearly producer of a single offspring, and the nonproducing male is, in each of the fourth and fifth years respectively, contributing a decreasing number of skins for market, and gaining size and strength to enable him, when 6 or 7 years old, to usurp the authority and jurisdiction of some old male whose days of usefulness are numbered. This change is not effected without sanguinary conflicts.

Q. What time of the year do you generally start out sealing in the Pacific?—**A.** I have varied always from the 11th *Alex. McLean, p. 436.* of January until the 11th of February.

Q. When do you call the season's catch over?—
A. About the 11th of September; probably a month later. I usually get back about the 11th of September.

Q. What time of the year are the seals all out of the Pacific, having gone to the Bering Sea? What months?—**A.** To my knowledge they would go into the Bering Sea after the 20th of June.

Q. What time of the year do you generally start out sealing in the Pacific, and up to what time do you continue?—
Daniel McLean, p. 443. **A.** I start out about the 15th of December and stay out until about the 1st of October.

Q. What time of the year are the seals practically all out of the Pacific, having gone to the Bering Sea?—**A.** About the 15th of June. Not all, but the body of them.

He states that fur-seal are rarely seen in Barclay Sound, and are usually found off the coast at a distance of from *John Margate, p. 308.* 5 to 15 miles. They are found in clear water, and never close the land.

Q. The seal first make their appearance in March *Frederick Mason, p. 284.* off Prince of Wales Island, and leave about the middle of June.

I believe the seals come to the islands from the southward, and when they leave in November or December they go southward through the passes of the Aleutian Isl. *S. Melovidov, p. 147.*

ands and into the Pacific Ocean.

When they do leave the island they go southward and pass once more through the passes of the Aleutian Islands *Anton Melovedoff, p. 144.* and out into the North Pacific Ocean.

The only seals taken by the natives of this place [Unalaska] are the this season's pups that go through the passes during the period between the last of October and the last of November. *S. Melovidoff and D. Salamatoff, p. 209.* The northerly winds bring them in the direction of this harbor, and the natives go out in their bidarkas and spear and shoot them for food. Sometimes we find old male seals with them, but we dare not attack them in the bidarka. The mothers are not with them, and there are usually no seals of older age with them. They are the weaker of the pups, the stronger ones going on through the passes. No old seals haul out on shore here.

The seal hunting commences in March and ends about the middle of June. The seal are constantly going north during that time. * * * I have seen a few fur-seals in the waters near Prince of Wales Island in the months of May and June. *Amos Mill, p. 285.*

Start the season off Cooks Inlet. The first seals are seen about May. *P. C. Miller, p. 223.*

Am at present hunter on the schooner *Henry Dennis.* First hunted seals off the Farallone Islands in February, and followed them up the coast into Bering Sea, *G. E. Miner, p. 466.* which they enter about the 10th of July. I think the seals are constantly on the move up the coast.

The fur-seals usually appear about Cooks Inlet *Metry Monin, et al. p. 225.* early in the month of May.

Q. When does sealing commence in the Pacific, and when does it end?—A. It commences about the 1st of January and ends about the last of June. *Frank Moreau, p. 468.*

Q. When does sealing commence in Bering Sea and when does it end?—A. It commences about the 1st of July and ends about the 1st of November.

Q. Judging by the direction the seals were traveling in the spring of the year, during your experience, where do you suppose was their destination?—A. The Bering Sea. *Frank Moreau, p. 469.*

The Alaska fur-seal is migratory, leaving the Pribilof Islands in early winter, going southward into the Pacific and returning again in May, June, and July to *T. F. Morgan, p. 61.* said islands.

From the islands the pup with his fellows goes southward, passing through the passes between the Aleutian Islands, and holds its course still south till lost sight of in the ocean. From this time until the herd reappears off the Californian coast their course is a matter of belief; but from information of sea captains of coasting vessels who have sailed during the winter, seals during December and the first part of January are found heading southeastwardly toward the Californian coast. In January and February they begin to appear along that coast; then turning northward they proceed along the coast, reaching Vancouver Island about March, the Southern Alaska coast in April and May, and in June the herd reenters Bering Sea and proceeds again to their island home. It is impossible to state the course or exact time of migration with complete accuracy, but this course here designated I believe to be approximately correct. The pups which left the island the year before have now become "yearlings," the males and females herding together indiscriminately and not coming on shore until some time in August or September; they also leave the islands a little earlier than the first year and make the same course of migration as before. On their second return to the island as "two-year-olds" the sexes separate, the females going on the breeding rookeries where they are fertilized by the bulls, and the males hauling up with the nonbreeding males, called "bachelors," on the so-called "hauling grounds." The "two-year-olds" again migrate southward over the same course as formerly. On their return to the islands the female goes again to the breeding rookeries and there brings forth her first pup. From this time forward she increases the seal herd by one pup annually, and the male of the same age is on the hauling grounds and is now considered of a killable age.

The fourth and fifth migrations are practically the same as the third.

Matthew Morris, p. 286. First took the seal off this island [Prince of Wales] in May.

The seal first come into Dixons Entrance in March. The weather is bad during that month, and I do not hunt them in canoes. The seal are constantly on the move. *Nashon, p. 298.*

Always hunted fur-seal between March and June. They make their appearance in March in Dixons Entrance, but at *Smith Natch, p. 298.* that time of the year the weather is so bad we can't hunt them. May is the best time to hunt them, because the weather is always good. They all disappear in June and go north up the coast—I think, to have their pups.

When I was a boy I hunted seal in Dixons Entrance and off Queen Charlottes Islands. Always hunted during April and May. In June the seal all leave, going north. *Dan. Nathlan, p. 286.*

Hunt in Dixons Entrance and Queen Charlotte Sound. The seal make their appearance the last of March and disappear the 1st of June, and I hunt them during that time. *Joe. Neishkaith, p. 287.*

We first discover seals on their way to the breeding grounds in January and February, off Cape Race. *Niles Nelson, p. 470.*

I observed that the fur-seals usually commence to move through both the East and West Passes of Umnak into Bering Sea about the last of May, the majority enter in *Arthur Newman, p. 210.* the latter part of June, while very few are to be seen moving north after the middle of July. The seals going north through these passes are mostly females and young bachelors; very few bulls go that way. The natives first reported fur-seals moving south through the same passes about the 1st of October. The majority pass into the Pacific between the 20th of October and the first of November, while the last ones are usually observed about the 25th of November. The seals moving south are gray pups, and medium-sized seals, the former in the majority. I can not distinguish the sex of fur-seals in the water.

Seals leaving the Bering Sea via the Western Passes are generally seen moving steadily towards the south during northerly and northwesterly weather, but very rarely before a northeasterly wind. I think a somewhat larger portion of the seal herd moves through the East Pass of Umnak than through the West Pass. The proportions of pups, etc., are about the same, however. * * *

While sailing between San Francisco and Unalaska I never saw a fur-seal in the water between sight of the highland of the Aleutians and San Francisco, but close to the Fox Islands generally fell in with plenty of them. I never saw a fur-seal in the water between Amukta Pass and Attu Island.

Fur-seals are very little known at Atka and Attu, and it is my belief that the farthest west the main herd moves to and from Bering Sea is through the Four Mountain Islands Pass. *Arthur Newman, p. 211.*

The seal always come here before the birds begin to sing very much, and they are all gone when the salmon berries get ripe, which I think is between the months of *Nikla-ah, p. 288.* March and July. * * *

About the time the wild geese are flying north the seals are most plentiful.

We commenced hunting outside of Cape Cook, about 5 miles from shore, and hunted from there up to Unamak Pass, in the Aleutian Islands and entered the Bering Sea about the 5th of June, and was ordered out of the sea the 19th of June. *John Olsen, p. 471.*

Seals first appear off Cape Flattery about the 1st of January, and pass on up the coast and begin to disappear in June, the old cows leaving first, and about the *Osl, p. 391.* last of June they are all gone.

My observation on this coast is, that the young seals are nearest to land and the cow seals have a course some farther out. The bulls are still farther out and much more scattered and shy. The seals lay around off the coast of California and north of there until early in February, when they commence to work slowly along up the coast and enter Bering Sea in June and July. Their habits in this respect are well known to the hunters.

The seals first appear in this vicinity about the 1st of January, and pass along up the coast in June and July. The *Wilson Parker*, p. 392. cows most all disappear in June and the younger seals a little later.

I do not know at what times or by what routes the seal herds move to and from the Bering Sea; have heard old hunters say the Commander Islands herd used to pass close to the western shores of these islands on their way north.

I have found that seals appear off the Farallone Islands about Christmas, off British Columbia in March, off Yakutat Bay April 15th.

Beginning at Cooks Inlet, in the spring, we find seals off the inlet in May traveling westward along the coast toward the Bering Sea.

Adolphus Sayers, p. 473. We commenced to seal from the Cordell Banks off the coast of California right up to the Bering Sea.

At the time my book was written the regular migratory habits of the animals were not as well understood in respect to *C. M. Scammon*. p. 474. the routes of migration as they are now, and naturalists always commence their description with the arrival of the different classes of seals at the northern breeding grounds, beginning with the "bulls" in the early spring, following them with the "cows" and "bachelors" at a later date, and then taking up the birth and development of the young. This, I think, resulted from our ignorance of where they spent the winter months. Now it is well known that the Pribilof seals work their way down to the coasts of California, Oregon, and British Columbia, and go north again in the spring; and that the Commander Islands herd migrates down the Asiatic coast, the two herds keeping apart from each other. I held this opinion many years ago, as is shown by my letter to the honorable Secretary of the Treasury, written August 30, 1869, as follows, and later observations and reading have confirmed my conclusions:

"SAN FRANCISCO, CAL.,
"August 30, 1869.

"SIR: While on the station at Puget Sound frequent opportunities offered to observe the habits of the fur-seals.

"I have long been of the opinion that those seen off the mouth of Juan de Fuca Strait were a portion at least of the great herds that make

their annual visits to the islands of St. George and St. Paul, Bering Sea.

"Since my return to this city I have gathered further information which convinces me that beyond question the seals passing the mouth of the strait during the months of March, April, and a part of May resort to the above-named islands to bring forth their young, as nearly all the females (and no others are caught) taken by the Indians at this point have fœtuses in them that to all appearances would be brought forward on their arrival at their northern summer haunt."

I have no doubt the northern seals of the Pribilof Islands spread over a very wide extent of the North Pacific in winter.
They are occasionally seen far off from land, but *C. M. Scammon*, p. 475. are much more numerous within soundings.

Have hunted seal off Sitka Sound, where they first make their appearance about April 15, and remain in greater or less numbers till the last of June. *Martin Singay*, p. 268.

Seal first make their appearance about April 15 *Jack Sitka*, p. 268. off Sitka Sound, and disappear about July.

Always hunted seal in Dixons Entrance and off Prince of Wales Island, and hunted them each year from March to June. The seal all leave about June 1, to go north *Thomas Skowl*, p. 300. and have their pups, I think.

We commence hunting when the geese begin to fly and hunt for a month and a half. The geese commence to fly about the last of April. *George Skulika*, p. 290.

Have seen and taken seal off Cape Flattery in March. They are constantly advancing up the coast. I followed them into Bering Sea, where they arrive about *Fred. Smith*, p. 349. July 1st.

First seal seen and taken by me were off the Columbia River in January and February. The seal at time were traveling north. *William H. Smith*, p. 478.

I do not know much about the particular habits of the seals except that they go north in summer and south in winter. *Cyrus Stephens*, p. 480.

First struck the seal off the Columbia River about February 1. Follow the seal up the coast into Bering Sea, *Joshua Stickland*, p. 349. which they enter early in July.

Q. When does sealing commence in the Pacific, and when does it end?—A. It begins the 1st of January, up to about the 1st of July. *Gustave Sundvall*, p. 480.

Q. When does sealing commence in the Bering Sea, and what date does it end?—A. From the 15th of July until the 1st of November.

Q. Judging by the direction that seals were traveling during your experience, where do you suppose was their destination?
Gustave Sundvall, p. 481. —A. I can not tell their destination, but I should judge they went south in the fall from 15 to 500 miles offshore, and in the spring they travel to the northward from 5 to 100 miles offshore.

M. Thilkahdaynahkoo, p. 269. Have first seen and killed seal off Sitka Sound about April 15, and disappear entirely about July 1.

The hunters follow the seal from south of San Francisco, where they begin to take them in February until they enter *W. Thomas, p. 485.* Bering Sea. The seal are constantly on the advance up the coast from the time they first appear.

Seal have been seen and taken on the coast by me from the 10th of April till the 4th of July. At the beginning of *Charlie Tlaksatan, p. 270.* the season they are plentiful, but scarce at the close of the season. They are constantly going north along the coast.

Jno. C. Tolman, p. 222. The seal are taken off Kadiak Island about the 1st of June.

Took seal along the coast as far as Yakutat. First seal were seen and caught last year off Sitka Sound and last year *Peter Trearsheit, p. 271.* off Salisbury Sound in April and May. The seal are working to westward all the time.

John Tysum, p. 394. Seals appear on the coast about the last of December, and they are nearly all gone up north by the middle of July. * * *

The cow seals leave the vicinity of Cape Flattery sooner than the young seals do, and are almost all gone in June; but I have killed young ones as late as July.

James Unatajim, p. 271. The first seal make their appearance on this coast off Sitka Sound. They are then advancing up the coast.

George Usher, p. 291. The seals at this time [May 10th] of year are always going north.

Rudolph Walton, p. 272. Have seen and taken seal from the middle of April to the middle of May. They are on their way north at that time.

First seal are seen and taken by me off Sitka Sound. When I was a boy seal came into the sound very close, but *Charlie Wank, p. 273.* now I have to go a long ways to get them. Seal do not stop off the sound long, but are constantly on the move north and west.

The seals appear in these waters late in April and increase in numbers until the latter part of May, and then gradually decrease in numbers until about the 15th of *M. L. Washburn*, p. 488. July, when they all disappear.

The seals first appeared about the cape the last of December, and the grown females all leave for the north in June; but we kill some of the younger seals up to the *Watkins*, p. 395. middle of July, and then they leave. I have not caught any gray pups this year, and have never hunted seals in the Bering Sea.

Leaving the islands late in the fall or in early winter, on account of the inclemency of the weather, they journey southward through the passes of the Aleutian Archipelago to the coast of California, Oregon, and Washington, and, gradually working their way back to Bering Sea, they again come up on the rookeries soon after the ice disappears from the shores of the islands; and my observation leads me to believe that they select, as near as possible, the places they occupied the year before.

I first took seal off Sitka Sound during the month of March. Have done my sealing all this year between Cape Edgcumbe and Cross Sound. *P. S. Wettenhiller*, p. 274.

Seals begin to appear on the coast the latter part of December, and they are almost all gone by the 10th of July. The cows appear to leave for the northward earlier *Charley White*, p. 396. than the younger ones.

About the 1st of June the seal disappear from *Billy Williams*, p. 300. Dixons Entrance and go north.

The deponent resided in the Hawaiian Islands for a period of twenty years during the time his firm was engaged in whaling and sealing as above stated; during that *C. A. Williams*, p. 539. time he was brought in contact with many masters of vessels and other sea-faring men, who made frequent voyages between the Hawaiian Islands and Puget Sound, and he learned from them that during the months of November and December they occasionally encountered schools or "pods" of seals moving from north towards the lower coast of California; he himself in one of his voyages in the month of November, saw such "pods;" and from these facts and his knowledge of the habits of the seals which frequent and have their home on the Pribilof Islands, he is satisfied that the herd of said islands confine their migration to the waters of the American side of the ocean, and that when they leave the islands they go through the passes of the Aleutian Islands to the coast of southern California, and thence along up the coast again to the Pribilof Islands.

The seal all disappear off Prince of Wales *Fred. Wilson*, p. 301. Island in June; I don't know where they go, but think they go north.

Seals first appear off Cape Flattery about the last of December. The cows seem to leave first, and in July nearly all of the seals have disappeared. *Wispo*, p. 397.

First seal are seen and taken by me about the middle of April of each year. There are more or less of them on the coast till the 1st of July. First part of the season they are plentiful, but towards the last they become scarce. During the above-mentioned period the seal are on the move to the westward.

Michael Wooskoot, p. 274. Have hunted fur-seals the last two years in Dixons Entrance and around the Prince of Wales Island, between *Billy Yeltachy, p. 302.* March and June. The seal leave here in June and go north.

Have always hunted in Dixons Entrance and off Prince of Wales Island. The seal make their appearance in March *Hastings Yethnow, p. 302.* and disappear in June, going north. The reason we don't hunt the seal in March is that the weather is so bad we can not go out in our canoes. We consider May the best month for fur-seal hunting.

Begin to hunt seal off San Francisco in February, and followed them up the coast as far as Shumakin Islands, which *Alf. Yohansen, p. 368.* we reached the last of June. The seal all disappeared from there at this time.

Paul Young, p. 292. Seal make their appearance off Prince of Wales Islands in April.

Always hunted in Dixons Entrance and off Prince of Wales Island. The seal all disappear about the 1st of *Walter Young, p. 303.* June and go north, I think.

The cow seals are the first to leave the coast, but the young seals stay longer here, and are not all gone until in *Hish Yulla, p. 398.* July.

I do not know through what passes of the Aleutian Islands the fur-seal herds move into the Bering Sea, nor at what *Pud Zaotchnoi, p. 213.* time they do so. I have seen so few fur-seals, and never any but a few scattering gray pups, that I am unable to form any ideas regarding the decrease of the fur-seal species.

The seals first appear off the cape about Christmas, but do not come in the straits now like they used to, and they are *Thos. Zolnok, p. 399.* very shy and wild. They appear to be passing to the northward, up the coast, and in July are all gone.

MANNER OF TRAVELING.

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From their habits in the water the seals are known as "jumpers" or "breachers" when they are moving through *A. B. Alexander, p. 355.* the water, "rollers" when they are lying idle on the surface and moved by every wave, "fitters" when they are resting and finning themselves with their fins, and

"sleepers" when they are asleep on the smooth water and can be approached to within close range.

In those days there were a great many seals in the water, and they would go in bands of 15 or 20 *Bowa-ohup*, p. 376. together.

When the seals are asleep on the water they lie on their backs with the fore flippers sticking up and held close to the head. They always lay with the head toward the *William Brennan*, p. 359. wind, the flippers being spread out and acting as sails to keep them steady in the water, making it hard for a boat to approach them when they are awake, because the noise of the oars is carried to them. If a boat comes upon them from the windward they will take the scent and dive, and if from leeward they readily see it, and do the same.

I saw but very few seals between here and San Diego, but north from here to Victoria I have formerly seen large herds of them sleeping and playing on the water during the winter and spring months. In May and June they congregate about the passes to enter the Bering Sea, and I have seen them in great numbers at this time.

I have noticed that the seals gather in large herds at the passes about the time they are ready to go into the Bering Sea, and that they are more scattered when *M. C. Erskine*, p. 422. seen along the coast.

As the bulls are scattered about and go out to sea a great distance, it does not pay to go after them, while the females go in big bands and do not travel offshore as far *George Fogel*, p. 424. as the bulls.

We first fell in with fur-seals moving north early in the month of February, about 50 miles off the coast, in the region of Cape Mendocino, California. They were *Norman Hodgson*, p. 366. very scarce then, but as we traveled up the coast we found them more numerous. They were most plentiful off the mouth of the Columbia River in the early part of the month of March. The migratory movement of the fur-seal is from the southward to the northward and westward, following the general trend of the coast of the mainland. The main herd is most compactly massed between 40 and 60 miles offshore, but some of the seals scatter and straggle over an area a long distance on each side of that. The males are generally in advance of the females on the passage north. Females are found in the greatest numbers off Baranoff Island about the middle of the month of May. We followed the main herd up the coast as far as the southwestern end of Kadiak Island, where we usually left them on account of their diminished numbers.

The seals which I have observed on their way to the Pribilof Islands do not move in large schools; they straggle along a few at a time in a sort of a stream, and are often *Chas. J. Hague*, p. 208. seen sleeping in the water and playing.

They appear to travel in two columns, the outer column containing an army only of bulls, and the inner one mostly cows and yearlings. These columns are not continuous schools of seals, but rather small parties scattered along. The column traveling along the British Columbia coast head for the Pribilof Islands; their natural breeding ground.

Fur-seals travel in large schools, which follow each other closely. The annual migration of their entire number occupies from three to four weeks in passing a point in the region of Prince William Sound, and they move from the southward and eastward to the northward and westward.

HERD DOES NOT LAND EXCEPT ON PРИБИЛОФ ISLANDS.

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I have no knowledge of the existence of any rookeries or any place where fur-seals haul up on the land in the North-
Andrew Anderson, p. 217. ern Hemisphere other than those fur-seal rookeries on the several seal islands of Bering Sea.

I never knew of fur-seals hauling out to rest or breed at any place in the Aleutian chain, or anywhere, in fact, except *C. H. Anderson, p. 205.* the well-known rookeries of the several seal islands of Bering Sea.

I do not know nor have I ever heard of any place where seals haul out or breed except the seal islands of the Ber-
N. W. Anderson, p. 223. ing Sea.

Peter Anderson, p. 313. Nor have I ever known fur-seals to haul up anywhere on the land except on the Pribilof Islands.

Have never known of fur-seals hauling up on the land on the coast of Alaska. Have seen them haul up on the Pri-
Adam Ayonkee, p. 255. bilof Islands.

Q. Do you know of any place where seals land outside of the seal islands?—A. The seals are found only on certain
Geo. Ball, p. 482. islands, where they migrate from year to year for the purpose of breeding—throwing their pups.

I know of none, nor neither do I believe there is any place where the fur-seals haul up to breed on land along our shores
Wm. Bondt, p. 405. or in the Bering Sea, except on Pribilof Islands.

Milton C. Bennett, p. 357. Have never known seal to haul up on the coast anywhere outside of the Pribilof Islands.

Martin Benson, p. 405. I have never heard of any fur-seal hauling up on the coast elsewhere than on the Pribilof Islands.

The Alaska fur seal breeds nowhere else except on the Pribilof Islands. I took particular care in investigating
Charles Bryant, p. 4. the question of what became of the seal herd while absent from the islands. My inquiries were made

among the Alaskan Indians, half-breeds, Aleuts, and fur-traders along the northwest coast and Aleutian Islands. One man, who had been a trapper for many years along the coast, stated to me that in all his experience he never knew of but one case where seals had hauled out on the Pacific coast, and that was when four or five landed on Queen Charlotte Island. This is the only case I ever heard of seals coming ashore on the American side of the Pacific except the Pribilof Islands.

I never saw or heard of any fur-seal rookeries in these (Bristol Bay, Aleutian Islands, and from Kadiak Island to Prince William Land) regions, except those on the seal islands of Bering Sea. Neither have I ever seen any fur-seals in abundance save on or near said seal islands.

Have never known seal to haul up anywhere *Charles Campbell, p. 256.* outside of the Pribilof Islands.

I have never known of seals hauling out on land *Jas. L. Cartwright, p. 409.* anywhere on the coast except at the Pribilof Islands.

I do not know of any place where the seals haul *Charles Challall, p. 411.* up on this coast except on the seal islands.

We all have an intimate knowledge of the coast of Alaska from Kadiak to Unalaska, and know of no fur-seal *Vassili Chichinoff et al., p. 219.* rookeries other than those on the seal islands of Bering Sea.

Have never known of any seals hauling up on *S. Chinkoo-tin, p. 257.* the land on this coast elsewhere than on the Pribilof Islands.

Q. Do you know of any place where seals land, *Daniel Claussen, p. 412.* outside of the seal islands?—A. I do not.

Have never known or heard of fur-seals hauling *John C. Clements, p. 258.* up on the land on this coast elsewhere than the Pribilof Islands.

I do not know of and have never heard of fur-seals landing at any point but the seal islands of *M. Cohen, p. 225.* Bering Sea.

Mother seals pregnant are more easily caught than young bachelors, and I am sure it is necessary for them to go on land to breed, and I have never heard of them *Peter Collins, p. 413.* going anywhere else than on the seal islands for that purpose.

On my cruise to St. Matthews and Unamak Island, we did not discover any seal within 25 or 30 miles of those islands, nor do I know of or believe that the seals haul out upon land in any of the American waters of Bering Sea, except at the Pribilof Islands,

I have never known of a pup being born or of hauling grounds existing anywhere along the Alaskan coast or in the islands adjacent thereto, except the Pribilof Islands. I have heard stories and traditions to that effect, but I have never known of their being substantiated.

W. H. Dall, p. 23. I have cruised up and down the coast of Vancouver Island, but never found a place where fur-seals hauled out upon shore, nor have I ever heard of any fur-seal rookeries in the Northern Hemisphere, except those in Bering Sea.

Hooniah Dick, p. 258. Never have heard of any fur seal being hauled up on the coast or rocks of Alaska other than on the Pribilof Islands.

George Dishow, p. 323. Have never known fur-seal to haul up on the land anywhere on the coast except on the Pribilof Islands.

I have never known or heard of any fur-seal hauling up on the land in British Columbia or Alaska outside of the *Wm. Duncan, p. 279.* Pribilof Islands. My connections with the Indians have been such that had there been a fur-seal rookery in British Columbia or Alaska I certainly should have known it.

I have never seen fur-seals in the waters of Anchor Point, and am positive that no fur-seal rookery exists in the *Elias Esaiassen, p. 230.* region, nor have I ever heard of any other rookeries than those on the seal islands of Bering Sea.

The fur-seal only lands upon the Pribilof Group of islands. Of this fact I am thoroughly convinced from carefully questioning natives of Alaska and the Aleutian Islands, and also from my coasting experience as purser on board the *Constantine*. In all the years I passed in these localities I never heard of a seal landing anywhere except on the Pribilof Islands.

Luther T. Franklin, p. 425. Q. Do you know of any place where seals land, outside of the seal islands?—A. I do not; except in the fall, they land on the Aleutian Islands.

From 1859 to 1869 I was employed on whaling vessels working in Bering and Okhotsk seas and the Arctic Ocean. *John Fratis, p. 107.* I have been along the coast of Bering and Okhotsk seas and along the coast of Alaska in the North Pacific Ocean from Sitka to Unalaska, and I never saw or heard tell of any in American waters in that whole region, where the Alaskan fur-seals haul out on land or breed, excepting on the seal islands of Bering Sea known as the Pribilof Islands.

Edward W. Funcke, p. 428. Q. Do you know of any place where seals land outside of the seal islands?—A. No, sir; I do not.

Have never known any fur-seal to haul out on the land or on the coast elsewhere than the Pribi-
of Islands.

Chad George, p. 366.

And I have never known of any place where they haul up on land except the seal islands.

Thos. Gibson, p. 432.

I have never known any fur-seal to haul up on the land in any part of Alaska, except on the Pribi-
of Islands.

Gonastut, p. 238.

Never known any fur-seal to haul up on the land or on the coast elsewhere than on the Pribi-
of Island.

Jas. Gondowen, p. 259.

Have never known seal to haul up on the land along the coast, except on the Pribilof Islands.

Jas. Griffin, p. 433.

Have never known any fur-seal to haul up on the land elsewhere than on the Pribilof Islands.

Martin Hannon, p. 445.

I never have known or heard of fur-seals hauling up on land anywhere on the North Pacific or Alaskan coast, or islands thereof, except on the seal islands.

J. M. Hays, p. 27.

I have made diligent inquiry into the habits of the seals and have yet to learn that they haul up on land on the American coast or islands except the Pribilof Islands, at which place alone they bear their young.

M. A. Healy, p. 29.

Q. Do you know of any place where seals land, outside of the seal islands?—A. I do not; no, sir.

Wm. Hanson, p. 484.

Q. Do you know of any place where seals land outside of the seal islands?—A. No, sir.

Andrew J. Hoffman, p. 447.

Have never known of seal to haul up on the land anywhere, except on the Pribilof Islands.

O. Holm, p. 368.

In all those years I have met and talked with hunters, trappers, traders, and miners whose business called them into Alaskan waters, and I never knew or heard tell of any fur-seals hauling out on land to breed anywhere on the Alaskan coast or islands in the North Pacific or American waters of the Bering Sea, excepting the Pribilof Islands.

Edward Hughes, p. 37.

I have never known fur-seal to haul out upon any part of the coast of the United States, British Columbia, or Alaska, except the Pribilof Islands. All parts of the coast have been visited by the seal-hunters, and if seal hauled out any place it would have been known by the hunters.

Victor Jacobson, p. 329.

Never knew any seal to haul up on the land on the coast elsewhere than on the Pribilof Islands.

J. Johnson, p. 331.

Have never heard of fur-seal hauling up on the land or on the coast elsewhere than on the Pribilof Islands. * * *

Philip Kashevaroff, p. 262. When I was with the Russian Company I spent six years looking for rookeries, but was unable to find any place where fur-seal hauled out elsewhere than on the Pribilof Islands.

Have never known any fur-seal to haul out on the land on the coast of Alaska; have heard that they do haul out on *M. Kethusduck, p. 263.* the Pribilof Islands.

Kickiana, p. 306. They never show themselves out of water in the locality of Barclay Sound. He has seen them on beach in the Bering Sea.

Have never known any seal to haul up on land or on the coast of Alaska, but have heard that they haul up on the *John Kowineet, p. 264.* Pribiloff Islands.

I have no knowledge of the existence of any fur-seal rookery or place where fur-seals haul up on the land, other than on *Olaf Kvam, p. 236.* the rookeries of the several seal islands in Bering Sea.

Have never known of fur-seals hauling up on the land on the coast of Alaska, but have heard that they haul up on *George Lacheek, p. 265* the Pribilof Islands.

I know of no place along the eastern coast where fur-seals haul out on land, and I do not believe there is any outside of *Andrew Laing, p. 335.* the Pribilof Islands.

During my travels in Alaskan waters I have made extensive investigations concerning the existence of fur-seal rookeries, especially about the region of Cooks Inlet and Prince William Sound, where rookeries have been reported to exist, as well as those places where fur-seals are annually observed in the greatest numbers. I am, therefore, positive in my belief that no such fur-seal rookeries, or other places where fur-seals haul out on the land to breed, exists in Alaska with the exception of those on the seal islands of Bering Sea.

The breeding seals, as far as I can learn from extended inquiry, do not come upon land, except at their regular rookeries, and there are none of those outside of the *Isaac Liebes, p. 455.* Bering Sea islands and Robben Bank. Young seals are sometimes driven for a few hours by stress of weather into the inlets about the Straits of Fuca and vicinity.

I never saw pups born in the water, nor do I know of any fur-seals hauling up on the land anywhere save the rookeries on the various seal islands in Bering Sea.

Chas. Lutjens, p. 458. Q. Do you know of any place where seals land outside of the seal islands?—A. No, sir; I know of no place.

Have never known or heard of seal hauling up on the islands or main coast of Alaska, other than on the Pribilof Islands.

Have seen a few pups in Cordova Bay late in *J. D. McDonald, p. 267.* December, where they were driven by strong southeast gales prevailing on the coast at that time.

Have never known any fur-seal to haul up on the coast anywhere, outside of the Pribilof Islands. *Jas. McKeen, p. 267.*

Q. Do you know any place where these seals go to land, except the seal islands on the American side?—A. No, sir; not any place that I know of. There have been *Alexander McLean, p. 437.* lots of reports of places, but I have been to these places and could not find any seals there.

I have never seen or heard of a fur-seal being hauled up on the land anywhere in this part of Alaska, nor do I believe that old fable that is told by some of the old men that fur-seal once did haul up here, or any other part of Alaska outside of the seal islands.

Have never known seals to haul up on the coast of Alaska outside of the Pribilof Islands. *G. E. Minor, p. 466.*

Q. Do you know of any place where seals land outside of the seal islands?—A. I do not; no, sir. *Frank Moreau, p. 468.*

The Alaska fur-seal breeds, I am thoroughly convinced, only upon the Pribilof Islands; that I have been on the Alaska coast and also along the Aleutian Islands; that at no point have I ever observed seals to haul out on land except at the Pribilof Islands, nor have I been able to obtain any authentic information which causes me to believe such is the case. *T. F. Morgan, p. 61.*

I have never known or heard of any place where seals haul out except seal island. *P. C. Muller, p. 223.*

I know of no places that the seals haul up in the Bering Sea or North Pacific for breeding purposes except St. George, St. Paul, Otter Island, Bering Island, *Niles Nelson, p. 470.* Robben Island, and Copper Island.

I have seen sick and wounded fur-seals hauled out on rocks about the passes to rest and die, but know of no place where they habitually land to breed or rest in the region, save the several well-known seal islands of Bering Sea. *Arthur Newman, p. 210.*

I know of no place where they haul up on land except the Pribilof Islands. *John Olsen, p. 472.*

Do not know of any rookeries in the Aleutian Islands, nor any places where fur-seals haul out regularly on the land or kelp to breed or rest except the Russian and American seal islands of Bering Sea. *Elijah Prokopief, p. 215.*

Wm. Rohde, p. 222.

I know of no place where fur-seals haul out on land except the seal islands of Bering Sea, nor have I ever heard of such a place.

I do not know and I never heard of any other place along the American coast or islands where the fur-seals haul up, and it is my opinion that the fur-seal pup of the Alaskan herd is born nowhere else but on the Pribilof Islands.

Jas. Sloan, p. 498.

I do not know of any other place on our coast where the seals haul up except at the seal islands.

Fred Smith, p. 349.

Have never known any fur-seal to haul up on the land anywhere on the coast except on the Pribilof Islands.

Wm. H. Smith, p. 478.

Have never heard of fur-seals hauling up on the coast elsewhere than on the Pribilof Islands.

Joshua Stickland, p. 350.

Have never known of fur-seal hauling up on the land on the coast anywhere except on the seal islands.

Gustave Sundvall, p. 481.

Q. Do you know of any place where seals land outside of the seal islands?—A. I do not know of any place; no, sir.

M. Thlkahdaynahkee, p. 269.

Have never known any fur-seals to haul up on the land or on the coast elsewhere than the Pribilof Islands.

W. Thomas, p. 485.

I have never known myself of fur-seal hauling up on the coast of Alaska outside of the Pribilof Islands, but have heard there were a few one season hauled on Oumnak Island.

J. C. Tolman, p. 223.

I have never known any fur-seal to haul out on the coast of Alaska anywhere except on the Pribilof Islands.

Peter Trearsheet, p. 271.

Have never seen or heard of seals hauling up on the coast, elsewhere than on the Pribilof Islands. They very seldom come nearer this coast than 20 miles, when advancing north towards Bering Sea.

Chas. T. Wagner, p. 212.

I never have known and do not believe that the seals at the Pribilof Islands haul up on land anywhere except on those islands.

Rudolph Walton, p. 272.

Have never known fur-seal to haul up on the coast on anywhere else outside of the Pribilof Islands.

Michael White, p. 490.

And know of no instances where male seals have hauled out on land on the western coast except at the Pribilof Islands.

HERD DOES NOT ENTER INLAND WATERS.

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No fur-seals are ever seen in Cooks Inlet above Anchor Point. *Jno. Alexandroff et al.*
p. 229.

There is no place on the coast where the seals haul up and give birth to their young; they never give birth on the kelp. *H. Andricius, p. 314.*

Myself and tribe go to the coast as far as Wrangel and trade with the Killisnoo Indians for oil. Have never seen a fur-seal in all my travels up and down the coast. *Anna-tlas, p. 254.* Have never heard of fur-seal hauling up on any part of the coast. If seal had been hauled up on any part of the coast I should have been told of it by the people of other tribes with whom I have come in contact during the long years of my life.

We are positive that the majority of fur-seals do not enter Cooks Inlet, but pass across its entrance, following the coast of the mainland. We have occasionally observed a few seals which had strayed into the lower bays of the inlet, but they have only been seen at long and infrequent intervals. There are no fur-seal rookeries in this part of Alaska. *Nicoli Apokchee et al., p. 224.*

Have killed fur-seals, mostly females with pup, but have never seen or heard of fur-seals hauling up on the land in this part of Alaska, or anywhere else. * * * *Atnas-Koo, p. 237.*

Have never known of nor have I seen any fur-seal in the waters of Disenchantment Bay or any other inlet in this part of Alaska. They do not frequent these places.

I have never known any pups to be born in the water or on the land in this part of Alaska. Nor have I ever seen or heard of any fur-seal being in the inland waters of this part of Alaska. I have never heard of any 276. fur-seal hauling up on the land in any part of Alaska.

Have never known any seal pups to be born in the water or on the land anywhere around this part of Alaska. Have never seen or heard of seals hauling up on the land around this part of Alaska. I have never seen any fur-seal around Annette Island or any of the inland waters of Alaska.

Nor have I known of any seal hauling up on the land anywhere in Alaska. I have never seen any fur-seals in the water around Annette Island. *Edward Benson, p. 277.*

There is no place on the coast where the seals haul up on the land and give birth to their young. *Bernhardt Bleidner, p. 315.*

I know of no place where seals haul up on the coast, nor do I believe there is any. *Niels Bondo, p. 816.*

I do not know of any place along the coast where seals haul out upon the land, nor have I ever heard of such a place, and I have never killed any full-grown cows who were in milk.
Bowa-chup, p. 376.

Seals do not haul out upon the land along the coast, nor give birth to their young on the kelp or in the water. I have never heard the Indians or white sealers say that there is a place on the coast where seals haul out and breed.
Henry Brown, p. 318.

I know of no place along the coast where seals haul out upon the land; nor have I ever heard of such a place; nor neither does any of my people know of such a place.
Peter Brown, p. 377.

Landis Callapa, p. 379. I know of no place where seals haul out upon the land to breed on this coast. * * *
I scarcely ever see an old bull along the coast, and it is seldom we ever catch one.

I do not know of any place on this coast where seals haul up and breed, nor have I heard the Indians on Vancouver Island talk about any such place.
Charlie, p. 304.

Nor [do I believe that] any seals hauled up on *Toodays Charlie*, p. 249. any part of the coast of Alaska or on the islands adjacent thereto.

Peter Church, p. 257. Nor have I ever known fur-seal to haul up on the land anywhere on the coast of Alaska.

Circus Jim, p. 380. Seals do not haul out on the land along the coast to breed.

I know of no place along the coast where seals haul out upon the land, nor do I think that they give birth to their young in the water or on the kelp. I am acquainted with the different tribes of Indians along the coast of Vancouver Island, and have never heard them say that seals haul out upon the land on the coast or in Barclay Sound.
Jas. A. Claplanhoo, p. 382.

I have never known of seal to haul out on the land anywhere in this part of Alaska or British Columbia wherever I *William Clark*, p. 293. have been.

He states that to his knowledge the seals do not breed in the waters of Barclay Sound, but go ashore for that purpose *Clat-ka-kot*, p. 305. a long distance to the northward. He has never seen seals on shore in Barclay Sound, or on kelp or other objects. When fishing outside he has never seen baby seals. Sometimes a few seals follow schools of herring into sound and go out hurriedly. On such occasions a few are killed.

But [have] never [observed seals] entering Cooks Inlet above Anchor Point. They cross the entrance of the inlet and appear off the mainland again in the vicinity of *M. Cohen, p. 225.* Cape Douglass.

Have never known of any pups being born in the water or on the land on the coast of Alaska. I have never heard of any or seen any fur-seal hauled up on *Charlie Dahtlin, p. 278.* the land anywhere around Prince Edward Island or anywhere else on the coast.

Seals do not haul out upon the land along the *Frank Davis, p. 383.* coast and breed.

I have never killed any cows giving milk along the coast, and I do think there is a place along the coast where seals *Jeff Davis, p. 384.* haul out and breed.

I never knew or heard of seals hauling up along the *Joseph Dennis, p. 418.* coast or giving birth to their young in the water.

To his knowledge, no seals ever came inside Barclay Sound, and that he never caught any inside, and, moreover, he and his friends never heard of any entering these *Dick or Ehnenesut, p. 306.* waters.

- No seals are ever killed in Barclay Sound by being dashed on the rocks, and none ever breed in Barclay Sound or vicinity.

Have traveled from Hoonah to Fort Simpson and north as far as Chilcat through all the channels and sounds in southeastern Alaska, and I come in contact with the people of many tribes of Indians, and I have never heard them say that they had ever seen or heard of a fur-seal being hauled up on any part of the coast or on any of the islands along the coast of Alaska. Had they ever known of a rookery of fur-seal in any part of Alaska I should have known it.

Have never known any to haul up on the land anywhere in Alaska, nor have I ever seen any seal in the inland waters *Eckon, p. 280.* wherever I have been in Alaska.

Seals do not haul out upon the land along the *Ellabush, p. 385.* coast and give birth to their young.

I have observed a few scattering fur-seals in the lower part of Cook's Inlet, but only at long and irregular intervals; I have never seen a fur-seal in the waters of Cook's *Vassili Feoder, p. 230.* Inlet above Anchor Point.

I have never known of pups to be born in the water or on the land anywhere around Queen Charlotte Islands or other parts of British Columbia and Alaska, where I *Frank, p. 294.* have been. I have never known any seal to haul on the land on Queen Charlotte Islands or any part of British Columbia or Alaska; nor have I ever heard of any seal having hauled up anywhere in British Columbia or Alaska.

I never knew any fur-seal to be in the inland waters around this part of Alaska, nor have I ever known any fur-seal to haul up on the land anywhere in Alaska.
Chief Frank, p. 280.

Never knew any fur-seal to be born in the water or on the land around British Columbia or Alaska. Never knew any fur-seal to haul up on the land in British Columbia or Alaska.
Luke Frank, p. 294.

In the winter season many years ago pup seals used to frequent the sound, driven in by the heavy southeast gales prevailing at that time; but the last four years there has not been a fur-seal seen in any part of Chatham Sound that I have been able to learn of. I visit the different parts of the sound with my tribe when they are making oil and have never known any fur-seal to haul up on the land or rocks in any part of Alaska that I ever visited.

I have never seen or heard of fur-seal hauling up on the land in this part of Alaska. I have never seen a fur-seal in the inland waters between Port Chester and Loring.
Chas. Gibson, p. 281.

Have never seen any fur-seal in the inland waters of southern Alaska, but have heard of pups being seen in the bays during the prevalence of storms on the coast in winter time.
Gonastat, p. 238.

Kassian Gorlot, p. 213. I have never known of fur-seal hauling out on the shores or floating kelp patches to rest or breed in this region.

Arthur Griffin, p. 326. Seals do not haul out upon the land along the coast.

I have never known any fur-seal to haul up on the land. Old fables tell us that they hauled up at one time, but I have been unable to learn that they ever did. Never seen any fur-seal anywhere around this island or in any of the inland waters.
Henry Haldane, p. 282.

Never have known of a fur-seal pup being born in the water or anywhere else in Alaska, nor have I ever heard of fur seal being hauled out on the land in Alaska. I have traveled from Icy Bay to Sitka Sound and meet many Indians belonging to other tribes of Indians, and they never have told me that they had ever seen any fur-seal hauled out on the coast of Alaska or on any of the rocks adjacent thereto. I have heard that fur-seal do haul out, and that the pups are born on the Pribilof Islands.

Never heard of any fur-seals being hauled up on the land on any part of the coast of Alaska where I have traveled.
Sam Hayikahtha, p. 239. * * * I travel from Icy Bay to Sitka, and have never heard Indians of other tribes say that they had seen fur-seals hauled out on the land, nor have I ever heard them say that pups were born in the water.

Have never known fur-seal to haul out on the land anywhere on the coast of Alaska. Have never been in Bering Sea.

E. Hofstad, p. 260.

I am intimately acquainted with the coast from here to Barclay Sound, and I know of no place, nor have not heard of any place, where seals come to land.

Alfred Irving, p. 387.

Seals do not haul out upon the land along the coast and breed.

I do not think that they haul up on the land on the coast.

Have never known pups to be born in the water or on the land in this part of Alaska. Have never known or heard of fur-seals hauling up on the land on the coast

Jack Johnson, p. 282.

Seals do not haul out upon the land and breed along the coast.

Have never known pups to be born in the water or on the land anywhere on the coast of Alaska. Have never known any seal to haul up on the land in Alaska. I have never seen any fur-seal in the inland waters of Alaska wherever I have traveled.

I have visited all the inlets and islands in Chatham Sound and other parts of Alaska as far as Sitka and never saw a fur-seal in the inland waters; nor have I ever heard of a fur-seal being seen in the inland waters. Have never heard of any fur-seal being hauled up on the land or rocks on or off the coast of Alaska. Had fur-seal been hauled up on the main coast or islands of Alaska, I should have known it, as the news would have been brought to me by the Indians of different tribes who came to purchase oil from my people.

Have never known a fur-seal to haul up on the land anywhere on the Alaskan coast.

Do not know of any rookeries or places where fur-seals regularly haul out on the land or kelp to breed in the Aleutian Islands, and do not think there is such a place.

Have never killed or seen a fur-seal in my life, nor have I ever heard of any fur-seal having been seen in the inland waters of Alaska where I have traveled. Had any fur-seal been hauled up on the land in any inlet around Chatham Straits, Stevens Passage, or any of the waters of southeastern Alaska, I would have known of it, as it would have been told me by the people of other tribes.

Have never seen any fur-seal hauled up on the land anywhere, nor have I ever heard of any being hauled up on the land, either in British Columbia or Alaska.

King Kaskwa, p. 295.

Jim Kasook. p. 296. I never knew fur-seals to haul out anywhere on the land in Alaska, nor have I ever heard of any being hauled out.

Albert Keetnuck, p. 250. My business calls me away from this place to the different inlets and islands around Chatham Sound, and have never seen or heard of fur seal anywhere in the sound.

The Indians who buy my fish oil belong to tribes who live long distances away. Have never heard them say that they ever saw any fur-seal hauled out on the islands, rocks, or any part of the mainland of Alaska. Had they hauled out on any place in Alaska I should have known it myself or would have been told of it by the Indians who come long distances to purchase oil from me.

Geo. Ketwooschish, p. 251. I visit all the islands and rocks in following my business, in Chatham Sound, and have never been able to see a fur-seal in any part of the waters of southeastern Alaska in my life. Have never heard of any seal

being in the waters nor on the land or rocks off or on the coast of southeastern Alaska. * * * Following my occupation, the people of other tribes come a very long distance to buy of me the oil which I make. Had there ever been any seal hauled out on any part of the Alaskan coast it would have been told to me by these people who come to my home to buy oil.

Kingooga, p. 240. Have never known any fur-seal to haul out on the land, nor have I heard of any being hauled out on the land from people of different tribes whom I have met.

Have traveled from Icy Bay to Wrangel and have never seen any seal in the inland waters in my life. A few fur-seal pups have been killed in the bay within my remembrance, in the winter seasons, driven there by the storms on the coast at those times.

C. Klananeek, p. 263. Have never seen any fur-seal hauled out on the land in any part of Alaska.

Jas. Klonacket, p. 283. I don't know of any fur-seal hauling up on the land anywhere in Alaska or British Columbia, and I don't know where they do haul up.

George Klots-klotz, p. 247. Have never heard of fur-seal hauling up on any land in Alaska, nor have I ever heard of seal pups being born in the water or on the coast of Alaska. In my dealings with the people of other tribes with whom I come in contact they would have told me had they known of any fur-seal having hauled up on any part of the Alaskan coast visited by them.

Konkonat, p. 251. I have never seen or heard of any fur-seal being in the inland waters around Chatham Sound or any other place in Alaska. Nor have I ever heard of any seal being hauled up on any of the islands or on the coast of southeastern Alaska. Had any seal hauled up on the land or islands of southeastern Alaska I would have known it by hearing the Indians from other tribes talking about it who came to buy oil.

Robert Kooks, p. 296. Have never known any fur-seal to haul out on the land anywhere around this part of Alaska.

I never knew any old seals of any kind to haul out on the shores in this vicinity, nor have I ever heard any old men say they ever saw any old seals haul out. *Ivan Krukoff, p. 209.*

I am intimately acquainted with the bays and coast from here to Barclay Sound, and I know of no place on the coast, neither have I heard of any, where seals haul out upon the land and give birth to their young. *Jas. Lighthouse, p. 389.*

I know of no place on the coast where they haul out upon the land and breed. *Thos. Lowe, p. 371.*

Never knew of pups being born in the water nor anywhere else. Never knew any fur-seal to haul up on the land along the coast of Alaska. *Geo. McAlpine, p. 266.*

I have never known any pups to be born in the water or on the land on the coast around this part of Alaska. I have never known any fur-seal to haul up on the land anywhere in Alaska. I have never seen any fur-seal around Annette Island anywhere. *Edwd. Maitland, p. 284.*

Seals do not breed in the locality. A few one-year-old pups have been caught during the winter. Last season 700 or 800 seals were caught off the coast by the natives of villages on Barclay Sound. *John Margathe, p. 308.*

I have never known any seal to haul out on the land anywhere around this part of Alaska or British Columbia, and I never heard of any hauling out in Alaska or British Columbia. *Chas. Martin, p. 297.*

I know of no place on the coast where the seals haul up on the land. *Thorval Mathasan, p. 339.*

I have become well acquainted with the coast while engaged in my business of prospecting, traveling along it in a canoe and entering all bays, inlets, streams, etc., between the points above mentioned, and am positive that no rookeries exist in that region. * * * In Cook Inlet the water is very muddy above Anchor Point, and I have never known fur-seals to be seen beyond it. Below that point a few stragglers are occasionally observed, but never more than two or three at a time. *Robt. Michaelsen, p. 232.*

I have never seen any seal hauled out on the land anywhere around this part of Alaska. *Amos Mill, p. 285.*

They do not enter Cook Inlet, and there are no fur-seal rookeries in or about this part of Alaska. *Metry Monin et al., p. 226.*

I have never known any pups to be born in the water, or any fur-seal to haul up on the land in this part of Alaska. I have never seen any fur-seal in the water anywhere around in the island waters of Alaska. *Matthew Morris, p. 286.*

I am familiar with all the bays and inlets on the west coast of Vancouver Island. I do not know of any place along the coast where seals haul out upon the land and give birth to their young; nor have I heard the Indians on the Vancouver Island talk about any such a thing.

I have visited all the islands between here and Sitka and in other parts of the sound, and have never seen any fur-seal in the waters in my life. Never heard of any fur-seal pup being born in the water, nor have

Billy Nah-hoo, p. 252. I heard of any fur-seal hauling up on the land or islands in southeastern Alaska or anywhere else. Had pups been born in the water or seals hauled up on the land on any part of the coast it would certainly be known to the Indians and I would have heard of it.

I have never known any pups to be born in the water or on the land anywhere around this part of Alaska or in British Columbia. Have never known any fur-seal to haul up on the land anywhere in British Columbia or Alaska.

Smith Natch, p. 299. Nor have I known any seals to haul up on the land anywhere in British Columbia or Alaska.

Dan. Nathlan, p 287. Have never seen any fur-seal haul up on the land anywhere in Alaska or British Columbia, or on Queen Charlotte Islands.

Have never known any fur-seal to be hauled up on the coast of Alaska from Icy Bay to Wrangell. I have been up and down between those places many times.
Nechantake, p. 240. * * * Have never seen any fur-seals in the sounds or inlets between this place and Wrangell at any time of year. In early days a few pups used to be driven into this bay in the winter by the storms on the coast.

Jos. Neishkarkt, p. 287. I have never heard of or seen any seal hauled up on the coast of Alaska anywhere. Have never even seen any fur-seal in the waters around Annette Sound or in any of the inland waters.

Nikla-ah, p. 288. I have never known or heard of fur-seal hauling up on the land anywhere in British Columbia, Queen Charlotte Islands, or Alaska.

Peter Olson, p. 288. I have never seen any fur-seal anywhere in the inland waters, nor have I ever heard of any being around the inland waters of this part of Alaska.

Oslv, p. 390. I have sealed all along the coast, from the mouth of the Columbia River to the passes leading into the Bering Sea, and do not know of any place on the coast where seals haul out upon the land.

Wilson Parker, p. 392. I have sealed in that manner all the way along the coast from the Columbia River to the upper end of the Vancouver Island and have never seen a place along there where the seals hauled out upon the land.

I know of no place on the coast where seals come up to land, and I am positive there is *Edwin P. Porter*, p. 347. none.

Sealing schooners do not regularly visit these islands. Last August (1881) three of them came in here to get water, but only stayed a few hours each; they had been *Eliah Prokopief*, p. 215. to the Commander Islands and were going south.

I do not know of any fur-seal rookery or other places where fur-seals haul out on the land to breed or rest in the Aleutian Islands, nor where the old bull fur-seals *Filaret Prokopief*, p. 216. spend the winter.

If any seal had hauled up on any of the islands in southeastern Alaska, I should have known it. They would certainly have been seen by some Indians, and *Kesth Riley*, p. 252. they would have reported it to all. Have never seen a fur-seal in Chatham Sound or any of the inlets off the sound in my life.

Years ago a few seal pups were driven into the bays by the storms on the coast during the winter *Rondtus*, p. 242. season.

I have never known or heard of any pups being born in the water or on the land anywhere around this part of Alaska. Have never known any fur-seal to haul up on the *Abel Ryan*, p. 299. land anywhere around British Columbia or Alaska.

I have traveled from Icy Bay to Nuchuk and back along the coast as far east as Lityu Bay, and have never seen any fur-seal in any inland waters wherever I have *Schkataim*, p. 243. traveled. Have never known any fur-seal to come up on the land in Alaska or on any of the islands adjacent thereto, but have heard that they do haul out on the Pribilof Islands.

Have never known or heard of any pups being born in the water or anywhere on the coast, nor have I ever known or heard of any fur-seals being hauled up on the land *Schowooisch*, p. 243. anywhere in Alaska. Once in a while a few pups are driven into the bay by the hard gales blowing from the southeast on the coast during the month of December.

I do not know of any place on the coast where *William Short*, p. 348. the seals haul out upon the land to breed.

Have never seen a fur-seal in Chatham Straits, Stevens Passage, or anywhere else in my life, nor have I ever heard of any fur-seal hauling out on any of the islands or *George Schuckeyah*, p. 248. rocks on any part of the coast of Alaska. And had any ever hauled out I should have known it by being told by the people of the different tribes with whom I come in contact.

Have been down to Sitka, and on all islands and inlets around Chatham Sound, and have never seen any fur-seal in Schucklean, p. 253. my life, nor have I ever heard of any fur-seal being hauled up on any of the islands or rocks around Chatham Sound. Nor have I ever seen any man who said he ever saw a fur-seal pup in his life; have never seen an Indian belonging to any tribe who said he ever saw or heard of a fur-seal hauling up on the land anywhere in southern Alaska. The Indians who come here to trade with me and our people come long distances, and had there been a fur-seal rookery in any part of Alaska, my people and myself would have known it.

Have never known of seal hauling up on the land anywhere in Alaska, nor have I ever seen any fur-seal in the Jack Shucky, p. 289. inland waters between this place and Wrangel Island.

Alexander Shyha, p. 226. The fur-seals usually appear off this part of the coast about the month of May, but they do not enter Cooks Inlet.

In all my traveling around in the waters of southeastern Alaska, I have only seen one fur-seal in my life. I have Aaron Simson, p. 290. never seen or heard of pup seals being born in the water or anywhere in Alaska; nor have I ever seen or heard of fur-seals hauling up on the land in any part of Alaska.

Martin Singay, p. 268. Never knew of any fur-seals to haul up on the land along the coast of Alaska.

Jack Sitka, p. 269. Never known fur-seals to haul up on the land; have heard that they do haul up on the Pribilof Islands.

Have heard that the fur-seal haul up on the Pribilof Islands, but never have seen, or have I ever heard of any fur-seal being hauled up on any part of the coast of Alaska, or rocks adjacent thereto. Never have seen any fur-seal in Disenchantment Bay, or anywhere else in the inlets of Alaska.

I have never seen a fur-seal in the waters of Cooks Inlet, and do not think any fur-seal rookery exists in this vicinity, as otherwise I believe I should have heard of it. Fredk. Skibby, p. 228.

Thomas Skowl, p. 300. I have never known any fur-seal to haul out anywhere on the coast of British Columbia or Alaska, wherever I have been.

Have never seen any fur-seal born in the water or on the land anywhere in British Columbia or Alaska; have never seen or heard of any fur-seal rookeries in British Columbia or Alaska. Geo. Skultka, p. 290.

Nor have I ever heard of any fur-seal hauling up on the land or rocks anywhere around Chatham Sound. The people who I sell oil to come from a long distance, and I have never heard them say that they had seen fur-seal hauled up on the land anywhere, and they would have told me and others of our people had they seen any.

I have never known any fur-seal to haul up on the land anywhere around this part of Alaska; nor have I ever known any fur-seal pups to be born in the water *Stahkam*, p. 245. or anywhere else in Alaska; nor have I ever heard any Indians with whom I have come in contact say that they had ever known any fur-seal pups to have been born in the water; nor had they known any fur-seal to haul up on the land in any part of Alaska.

I never saw any seals on the land as we went *Cyrus Stephens*, p. 480. along the coast.

I am sure there is no place on the coast where *John A. Swain* p. 350. they haul out upon the land and give birth to their young.

Have visited all the islands and inlets in Chatham Sound and other parts of southeastern Alaska; have never seen fur-seal in the inland waters; nor have I ever *Tchet-Chak*, p. 254. heard of any being there; nor have I heard of or seen any haul up on the land, any island, or rock on or off the coast of Alaska. In my business of making herring oil, which I dispose of to the people of the different tribes along the coast, I should have heard of seal being hauled up on any island or rock along the coast of Alaska, had there been any, for it is customary for the people of one tribe to tell the people of another all they know.

I have never seen or heard of any fur-seal being seen in any of the inland waters of Alaska, nor have I ever known of or seen any fur-seal hauled up on the land in *Wm. G. Thomas*, p. 291. any part of Alaska; have employed a great many Indian fishermen, and had there been a fur-seal rookery in any part of the Alaskan coast I should certainly have heard of it.

Have never known any fur-seal to haul up on the land around these bays or in any other part of Alaska. * * * Neither have I heard of any fur-seal hauling up *Thunk*, p. 245. on the land anywhere around this part of Alaska. Had there been any seal hauled up on the land it would have been told to me by people of different tribes with whom I have come in contact

I am acquainted with the coast from Sitka to *Peter Titchenoff*, p. 222. Kadiak. I do not know of any rookery along the coast, nor have I ever heard of any.

Have never known fur-seal to haul up on the *Charlie Tlaksatan*, p. 270. land or on the coast anywhere in Alaska.

I have never seen a fur-seal in any of the inland *J. O. Tolman*, p. 223. waters of Alaska, nor have I ever heard of any being in the inland waters.

I visit all the islands and inlets around Chatham Sound in following my occupation of making oil from the herring *Toodays Charlie*, p. 249. which I catch. Have never seen a fur-seal in the inland waters in my life; nor did I ever hear of any being in the inland waters. * * * Had any fur-seal hauled up it would have become known to the Indians and I would have heard it; for I sell oil to all the tribes of Indians in southeastern Alaska, and they would have told me had they ever known or heard of there being a fur-seal rookery at any place along the coast.

Have killed mostly pups in the fall of the year, driven in by the severe weather outside; never have seen any fur-seal haul up on the land nor have I ever heard of any seal hauling up on the land. *Twongkwak*, p. 246.

John Tysum, p. 394. Seals do not haul out upon the land along the coast and give birth to their young.

Have never known or heard of seal hauling up on the land on the coast of Alaska; have heard that they do haul up on the *Jas. Unatajim*, p. 272. Pribilof Islands.

I have never seen any fur-seal hauled up on the rocks anywhere on the coast of this part of Alaska. I have never *George Usher*, p. 291. seen any fur-seal anywhere around Anneute Island.

He has never seen or heard of seals inside Barclay Sound. They are all found outside. * * * He has never heard *Francis Verbeke*, p. 311. of seal breeding here and has never seen any seal. Witness states that he is the only white resident of village.

Have never known any seal to haul up on the land or on the coast of Alaska. Have heard that they do haul up on *Charlie Wank*, p. 273. the Pribilof Islands.

I annually visit nearly all the settlements in this region, and many of the uninhabited islands, and have never seen, *M. L. Washburn*, p. 488. and in conversation with the various tribes of natives have never heard of fur-seals hauling on shore of the mainlands or the islands in this district, either for breeding or temporary resting place, since my residence in Alaska, and in only one case have I heard of a young pup fur-seal being found in the waters of this district. A single pup seal was found last year near Marnot Island by a hunter who had been for years engaged in hunting and this was the only case that had ever come to his knowledge. And I would say in this connection that all the small islands are visited during the summer by native hunting parties, and they informed me that they never had found any fur-seals on shore.

Watkins, p. 395. I do not know of any place along the coast here the seals haul out upon the land and give birth to their young.

He states that fur-seal do not come in close to shore in this locality, and are never found on land. Seals are caught off the coast at from 5 to 20 miles. They do not breed in this locality and nothing of the kind is known in the memory of the oldest inhabitant.

I have never known any fur-seal to haul up anywhere on the land on the coast of Alaska. I have never been in Bering Sea.

P. S. Weittenhiller, p. 274.

Seals do not haul out on land at Barclay Sound *Charley White, p. 396.* nor along the coast.

I have never known of any seals to haul up and breed between here and Unamack Pass. I have often followed them very close in to the mainland and have killed them sleeping on the water.

Have never known any fur-seal to haul up on the land anywhere on the coast of Alaska or British Columbia.

Have never known or heard of any fur-seal hauling up on the land anywhere on the coast of British Columbia or Alaska.

There is a hair-seal rookery in the northern part of Cook's Inlet, on Kalgin Island, about latitude $60^{\circ} 30'$ north.

I have never known fur-seals to come up into Cook's Inlet, above Anchor Point, and am positive that no fur-seal rookeries exists in the region; neither have I ever heard of fur-seal rookeries in the northern hemisphere other than those on the seal islands of Bering Sea.

I am familiar with the bays and inlets along the coast, and I do not know of any place on the coast where the seals haul out upon the land and breed. * * * I am familiar with the west coast of Vancouver Island, and have been in Bar-
clay Sound, Clayquot Sound, and talked with the Indians there, and none of us know of any place along the coast where seals haul out upon the land and breed, nor have I ever heard any Indian speak of such a place.

Have never known of any fur-seal to haul out on the land on the coast of Alaska. Have heard of them hauling out on the Pribilof Islands, but have never been there.

Have never seen or heard of fur-seals hauling up on the land in any part of Alaska.

I never heard of any fur-seal hauling up on the land anywhere in British Columbia or Alaska.

Have never known any fur-seal to haul up on the land in British Columbia or Alaska.

Nor have I ever heard of any fur-seal hauling up on the land anywhere in Alaska. I have not seen a fur-seal within *Alf. Yohansen, p. 369.* five miles of land along the Alaskan coast.

I have never seen any fur-seal in the inland waters of this part of Alaska, nor have I ever heard of any being there from the people of my tribe. Have never known any fur-seal to haul up on the land. *Paul Young, p. 292.*

Walter Young, p. 303. Never known any fur-seals to haul up on the land in Alaska or British Columbia.

Hish Yulla, p. 398. I have never known the seals to haul out upon the land along this coast and give birth to their young.

Thos. Zolnoks, p. 398. I never have seen or heard of a place along the coast where the seals haul out upon land.

For many years it has been known that fur-seals breed at Guadalupe Island, where formerly large numbers were killed annually for their skins. Two thousand were secured as late as 1883, since which time small numbers have been taken nearly every year. *Dr. J. A. Allen, Theo. Gill, and Dr. C. H. Merriam, Vol. I, p. 586.*

Inasmuch as the Northern fur-seal (*Callorhinus ursinus*) is not known to breed south of the Pribilof Islands, but occurs in winter off the coast of northern California and passes north in the spring, it seemed important to determine the species of fur-seal inhabiting Guadalupe Island. For this purpose an expedition was sent to said island by the direction of Dr. C. Hart Merriam in May, 1892, in charge of Mr. C. H. Townsend, an assistant of the United States Fish Commission. Seven fur-seals were seen near the island and one was shot by Mr. Townsend, but it sank before it could be recovered. The visit was made too early in the season to find the seals on the shore. A beach on Guadalupe Island was visited where it was known that a large number of fur-seals had been killed a few years previously and four skulls were there obtained. We have carefully examined these skulls and find them to belong to a species of *Arctocephalus*, a very different kind of fur-seal from that found in Bering Sea, the well-known *Callorhinus ursinus*.

Sometimes during a heavy storm a few seals will be driven on shore for a short time, but will not stay but a few *Wispoo, p. 396.* hours.

THE RUSSIAN HERD.

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In summer the two herds remain entirely distinct, separated by a *Report of the American Commissioners, p. 323* water interval of several hundred miles; and in their winter migrations those from the Pribilof Islands follow the American coast in a southeasterly direction, while those from the Commander and Kurile islands follow the Siberian and Japan coasts in a southwesterly direction, the two herds being separated in winter by a water interval of several thousand miles. *The Case.*

The Pribilof herd does not mingle with the herd located on the Commander Islands. This I know from the fact that the herd goes eastward after entering the Pacific *Chas. Bryant, p. 4.* Ocean, and from questioning natives and half-breeds who had resided in Kamchatka as employés of the Russian Fur Company, I learned that the Commander herd on leaving their islands go southwestward into the Okhotsk Sea and the waters to the southward of it and winter there. This fact was further verified by whalers who find them there in the early spring.

In the latter part of September of 1867, in the brig *Kentucky*, making passage between Petropaulowski and Kadiak, I observed the Commander Islands seal herd on *Chas. J. Hague, p. 207.* its way from the rookeries. They moved in a compact mass or school, after the manner of herring, and were making a westerly course toward the Kurile Islands.

14 B S

MANAGEMENT OF THE SEAL ROOKERIES.

THE SLAUGHTER OF 1868.

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I went [in the spring of 1868] for the late John Parrott, of San Francisco, direct to the islands of St. Paul and St. George. We were the first parties who went to those islands after the purchase, and commenced taking seals about the 1st of July. We and other parties took about 65,000 that year from St. George Island alone. We killed no females except by accident, for the reason that we thought at that time the skins of females were worthless.

During my observation only one class of bachelor seals on the islands showed any deficiency in numbers, and I accounted for this fact in my report to the Secretary of the Treasury, dated September 5, 1872, from which I quote: "The weather, although excessively foggy and disagreeable to the residents of *Chas. Bryant*, p. 7. the islands, has been especially favorable to the young seals. It is also observable that a larger number of yearlings or last-year pups than usual have returned to the islands the present season. There is now only a deficiency of one class, that of the four or five year old seals. This is clearly traceable to the following causes: During the season of 1868 there were killed on both islands 220,000 animals for their skins, and in the season of 1869, 85,000 for their skins. At that time the relative value of the sizes or ages of the skins was not understood, and all the skins being paid for at the same price, the natives, who were quick to perceive the difference between taking a small skin and a large one and carrying it to the salt house, killed all the yearlings that they could; these were the products of 1867 and 1868. These were sent forward in 1870 to market and overstocked it with small skins. This created a demand for larger skins, and the Alaska Commercial Company instructed their agents to take all the large skins possible in 1871; this was done and as many 4 and 5 year old seals as could be taken. This again fell on the already diminished product of 1867 and 1868. When these were sent to market they were found too old, and now the proper medium being ascertained the seals will be selected accordingly."

It should be borne in mind that the killing in 1868 was done by unauthorized persons before the Government could arrange for the protection of the rookeries.

As a result of the above experience I would further state the following facts: During my visit to St. George Island in 1868, before referred to, this vast Territory of Alaska had just fallen into the possession of the United States, and the *W. H. Dall*, p. 23. Government had not yet fairly established more than the beginning of an organization for its management, as a whole,

without mentioning such details as the Pribilof Islands. In consequence of this state of affairs private enterprise in the form of companies dealing in furs had established numerous sealing stations on the islands during 1868. During my stay, except on a single occasion, the driving from the hauling grounds, the killing, and skinning was done by the natives in the same manner as when under Russian rule, each competing party paying them so much per skin for their labor in taking them. Despite the very bitter and more or less unscrupulous competition among the various parties, all recognized the importance of preserving the industry and protecting the breeding grounds from molestation, and for the most part were guided by this conviction.

T. F. Morgan, p. 63. My knowledge of the catch of 1868 enables me to state that the destruction of seals from all sources in that year was about 240,000. This is the maximum figure.

Gustave Niebaum, p. 208. The various parties took that year about 236,000 seals, of which about 140,000 were killed under my direction.

AMERICAN MANAGEMENT.

THE LEASE OF 1870.

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No sealing was done at the Pribilof Islands during the seasons of 1869 and 1870 except for food for the natives, the *Geo. R. Adams, p. 157.* Government having declared these islands a reservation, and the lessees did not perfect the lease in time to commence operations that year (1870.)

In the spring of 1869 I joined the United States revenue steamer *Lincoln*, and made the summer's cruise in her of *H. H. McIntyre, p. 47.* about four months, touching at many points along the Alaska coast between Sitka and the most westerly island of the Aleutian Archipelago, visiting the Pribilof group twice during the season.

The habits of the seals and manner of driving and killing them during Russian occupation of the islands, and in 1868, after the transfer of Alaska to the United States, were as carefully inquired into as the limited time and opportunity would admit, and reported to the Treasury Department under date of November 30, 1869 (House Ex. Doc. 36, Forty-first Congress, second session). This report, together with that of Special Agent Charles Bryant, formed the basis of subsequent legislation providing for the leasing of the right to kill 100,000 seals annually for their skins. The report was, in the absence of more reliable information, largely based upon the traditions and opinions of the natives and traders, to whom the management of the sealeries was intrusted by the Russian Fur Company, and was afterwards found to be erroneous in many particulars. Upon the main point, however, that of fixing 100,000 seals as the proper number to be killed annually, we have shown by the experience of many years to have been correct.

To the intelligent inquirer as to the value of the system now in operation for handling and disposing of the annual quota of skins from the seal islands, no doubt can remain that it is the best, indeed the only one possible to pursue with success. The Government itself could not enter into business and follow details either with propriety or hope of profit.

The right to take 100,000 seal skins annually from these islands, under certain stipulated restrictions, is leased by the Government of the United States to an association of American citizens known as the Alaska Commercial Company. The company pays a rental of \$55,000 per annum and \$2.62½ per skin, a total of \$317,500 per annum, for this right. They are also obligated to a certain care of the Aleuts inhabiting the islands and to a partial provision for their needs, both mental and physical.

CONDITION OF THE NATIVES.

UNDER THE RUSSIAN COMPANY.

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The general methods employed under American rule were far superior to those of the Russians, as will be readily understood from the following facts:

Charles Bryant, p. 8.

When I first visited the seal islands in 1868 the natives were living in semisubterranean houses built of turf and such pieces of driftwood and whale bones as they were able to secure on the beach. Their food had been prior to that time insufficient in variety, and was comprised of seal meat and a few other articles, furnished in meager quantity by the Russian Fur Company. They had no fuel, and depended for heat upon the crowding together in their turf houses, sleeping in the dried grasses secured upon the islands. Forced to live under these conditions they could not of course make progress towards civilization. There were no facilities for transporting the skins. They were carried on the backs of the natives, entailing great labor and hardship, and by reason of these tedious methods the taking of the annual catch was extended over a number of months, being a continual source of molestation to the hauling seals.

Very soon after the islands came into the possession of the American Government all this was changed. Their underground earthen lodges were replaced by warm, comfortable, wooden cottages for each family; fuel, food, and clothing were furnished them at prices 25 per cent above the wholesale price of San Francisco; churches were built and school houses maintained for their benefit, and everything done that would insure their constant advancement in the way of civilization and material progress. Instead of being mere creatures of the whims of their rulers they were placed upon an equal footing with white men, and received by law a stipulated sum for each skin taken. So that about \$40,000 was annually divided among the inhabitants of the two islands. In place of the skin-clad natives living in turf lodges which I found on arriving on the island in 1869, I left them in 1877 as well fed, as well clothed, and as well housed as the people of some of our New England villages. They had school facilities, and on Sunday they went to serv-

ice in their pretty Greek church with its tastefully arranged interior; they wore the clothing of civilized men and had polish on their boots. All these results are directly traceable to the seal fisheries and their improved management.

UNDER AMERICAN CONTROL.—IMPROVEMENT.

Pages 142 and 143 of *The Case*.

During the six years I was on the islands the condition of the natives was wonderfully improved. When I came there *Sam'l Falconer, p. 162.* they were partially dressed in skins, living in filthy, unwholesome turf huts, which were heated by fires with blubber as fuel; they were ignorant and extremely dirty. When I left they had exchanged their skin garments for well made warm woolen clothes; they lived in substantial frame houses heated by coal stoves; they had become cleanly, and the children were attending school eight months in the year. They were then as well off as well-to-do workingmen in the United States, and received much larger wages. No man was compelled to work, but received pay through his chief for the work accomplished by him. A native could at any time leave the islands, but their easy life and love for their home detained them. When I first went there the women did a good share of manual labor, but when I came away all the hard work was done by the men. I do not recall a single instance in history where there has been such a marked change for the better by any people in such a short time as there has been in the Pribilof Islanders since the United States Government took control of these islands.

In the matter of the preservation of the fur-seals these inhabitants [of the Pribilof Islands] should receive some consideration. *H. H. McIntyre, p. 599.* Their ancestors were carried to the Pribilof group more than a century ago, and the majority of the present generation have been born and bred where they now live. They number at present about 350 people, who know no other home, and few of whom have ever seen any other land than the islands on which they live. They are a simple-minded, docile, good-natured people, far above the average aboriginal inhabitant of the country in intelligence, as indeed, might be expected of them in this generation, from the fact that the Aleutian blood in their veins is already very much mixed with that of a better quality from Russian and American stock. Very few, if any, thoroughbred Aleuts are to be found in Alaska at the present day. All are devout Christians and earnest believers in the faith of the Greco-Russian Church, observing all its outward forms, and practicing, perhaps, as many of the virtues it inculcates as the average adherent of orthodox Christianity.

Very little is known of these people under Russian régime in the early part of this century. If their traditions are to be relied upon they were hardly better off at this time than when in absolute barbarism. Their rulers were hard taskmasters and were themselves but meagerly supplied with such articles as would have materially helped the natives if they could have had them. They labored under the disadvantage of living in a cold, barren, treeless country and having to depend for building material upon the driftwood thrown upon their shores from the rivers emptying into Bering Sea. It was, therefore,

impossible for them to make much progress, no matter what the teaching or the example set before them may have been while living, as they were, in their damp, filthy subterranean houses; and more impossible for them to live otherwise than underground until they were furnished with fuel and building material.

These were never supplied by the Russians, and the Americans accordingly found them, upon the cession of the territory to the United States, living in miserable, unhealthy hovels totally unfit for human habitation. The supports for the thatched roofs and turf sides of their houses consisted of the pieces of driftwood or the jaw bones of whales; light was admitted through the opaque medium of raw sea-lion skins, stretched and shaved; the chimney was a hole in the roof, over which a skin was drawn to retain the heat after the fire went out; their fuel consisted of water-soaked splinters of driftwood, upon which was burned the blubber of the seal or whale, emitting the nauseous odors of burning, rancid, ill-smelling animal fats. The smoke from the fire left its greasy deposits upon everything about the premises and emitted a stench endurable only by a sense of smell long inured to it. For light in the long winter nights they had only a small burning wick supported upon the surface of an open vessel of seal oil. Their food consisted almost wholly of seal meat, with rarely a meal of fish or fowl, oftentimes eaten raw in summer, and dried or partially dried and stored in the inflated stomachs of sea lions for winter. A small quantity of rye was furnished them, but their facilities for putting it in edible form were of the most primitive kind, and to this was added a limited quantity of tea and sugar, tobacco and rum. Their clothing was made of skins or of such coarse cotton or woolen cloths as were imported in very limited quantities for their use.

The work which was exacted from the natives under Russian rule was much harder than has since been put upon them. The islands were provided with no teams of any description; the boats were rude affairs, built from pieces of driftwood, whalebone, whale sinew, and sea-lion skins; the storehouses, workshops and tools were ill constructed and inconvenient; all of the skins of the thousands of seals slaughtered each year were transported on the shoulders of the laborers from the field to the warehouses, a great amount of labor expended on each skin in cleaning and drying it, and all were again shouldered from the warehouses to the boats to be lightered to the vessels. In all this work men, women, and children participated, and each received the small stipend of a few kopeks per day or per skin, barely sufficient to pay for the tea, sugar, coarse clothing, and articles of domestic use supplied from the Company's store. Yet even this poor subsistence was furnished directly or indirectly from the seals, excepting a few edible roots and wild vegetables and an occasional fish or fowl at certain seasons of the year. There is absolutely no other source of subsistence at the seal island.

Since the occupation of the territory by the Americans such a change has taken place in the condition of the natives as occurs in the transition from barbarism to civilization; and such a change as has brought about them those material evidences of civilization which require for their support and maintenance a constant and assured income. The villages as viewed from the exterior are indicative of their present plane of living and are such as may be seen in the prosperous mining and manufacturing sections of our country, comprising attractive churches, well-designed school-houses, commodious storehouses, and comfortable dwellings, all built in regular order and painted white.

During the past twenty years the inhabitants have been constantly supplied with and become accustomed to the use of the same kind and quality of moral training, mental teaching, clothing, food, and medicines as are supplied to and habitually used by our most prosperous communities. If they must surrender these things it means for them a relapse into barbarism; and the destruction of the seal fisheries enforces the surrender. They have no other source of income and know no other business than that of seal-fishing. The income of the two seal-island communities, including only natives, has averaged, from 1868 to 1889, inclusive, more than \$40,000 per annum in cash, and, in addition, they have been furnished gratuitously with the houses they occupy, nearly enough fuel to heat them, medicines and medical attendance, school-houses, school books, and teachers. Their moral and mental improvement have very nearly kept pace with the material comfort with which they have been surrounded. The children have learned to read, write, and speak English, and in general intelligence and household economy all have made remarkable progress.

Is it true that people situated as these natives are acquire no vested right in the property whereon they have immemorially gained their livelihood, which the Christian nations of the earth ought to respect? If it is true, then the precepts of Christianity bear still another and new interpretation.

During my residence on the islands the native inhabitants were prosperous and contented. The profits resulting from *John M. Morton, p. 70.* the labor of killing the seals and salting and shipping the skins were not only ample to supply them with the needs of life, but with many of its luxuries. Those who were careful and provident in the matter of their earnings were enabled to and did deposit some portion each year of the same with the Alaska Commercial Company or in the banks of San Francisco.

The company furnished to each native family, without charge, a comfortable frame dwelling, employed a physician on each island, and supplied medicines and medical attendance gratuitously. It may be said, perhaps, that it was plainly in the interest of the company to faithfully carry out all of its obligations designated or implied by the terms of its lease. Such was undoubtedly the fact, but, in justice to the lessees it should be stated that they always interpreted their contracts in a most liberal spirit, and in many ways exceeded their obligations as far as their treatment of the native people was concerned.

They pay to these Aleuts 40 cents per skin or \$40,000 per annum for their services in taking the skins. They have also built for them a church and school-house, and maintain teachers and physicians on the islands.

At the time of the cession of Alaska to the United States these people were living in huts, or more properly holes *C. A. Williams, p. 543.* in the ground, and had no ambitions or aspirations beyond supporting their daily existence in a painful and laborious way. Now they are living in frame houses provided for them by the company, and have accumulated savings, invested in United States bonds in San Francisco, amounting on August 1, 1887, to \$94,128.28. It is safe to say that no laboring men within the boundaries of the United States are better paid or better cared for.

THE SEALS.

CONTROL AND DOMESTICATION.

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The work of herding and managing seals does not differ materially from that pursued with the stock-farm animals with which we are most familiar. The herdsman has chiefly to learn their quick motions and propensity to bite in order to handle them at will. *W. C. Allis, p. 98.*

I tried to thoroughly train the young seals, hoping to make valuable pets of them, and succeeded as far as the taming went, but could not get them to thrive on cow's milk or the condensed milk of commerce, administered from a nursing bottle. They became, however, very tame, stopped trying to bite unless they were made angry by rough usage, and followed me about like pups of the canine species. When they are older and before they leave the island in the fall they may still be handled with impunity, and their habits are such of massing and herding by themselves apart from the older seals that all could be easily "rounded up" from the beaches in favorable weather, and "corralled" and marked. It would be perfectly feasible to drive them into and keep them in such a corral or inclosure as would be constructed for calves or lambs, surrounded by a fence 3 or 4 feet high, and while there to catch each one and brand him. This has already been successfully done on a small scale by naturalists who wanted to identify certain ones for a future purpose.

This is not mere theory with me, for I was bred to the management and handling of young domestic animals, and have handled the young seals, and have seen them handled by the natives in the same way.

They grow very tame when reared near where people are passing and repassing, and none of them are as wild or show as much fear as sheep ordinarily do when *Jno. Armstrong, p. 2.* approached by man.

Robben Island is very small, being 1,960 feet long by 175 feet wide, and in places 46 feet high. Of necessity the quarters of the seal hunters and guards, as well as the killing grounds, are very near the rookeries, being not more than 75 feet distant from them, yet the seals appear to take no alarm from the close proximity of the men, paying very little attention to persons passing and repassing a short distance from them. If none of them were killed, or if the killing were properly restricted to the males, I think they would increase very rapidly and be as closely subject to control as the cattle upon the great open pastures of the Rocky Mountain regions. There would be little trouble in catching all the young seals and branding or marking them.

As proving that the seals return to the islands, I put a canvas collar upon a pup in 1880, and he came back to the same rookery in the following year still wearing the collar.

If they are managed right they may be driven like sheep along the beaches. They do not run fast on shore, unless alarmed, when they give a man a good race to catch them. *Wm. Brennan, p. 359.*

I was reared on a farm, and have been familiar from boyhood with the breeding of domestic animals, and particularly with the rearing and management of young animals; hence a comparison of the young seals with the young of our common domestic species is most natural. From my experience with both I am able to declare positively that it is easier to manage and handle young seals than calves or lambs.

Large numbers of the former are customarily driven up in the fall by the natives, to kill a certain number for food, and all could be "rounded up" as the prairie cattle are, if there was any need for doing so. All the herd so driven are lifted up one by one and examined as to sex, and while in this position each could be branded or marked if necessary.

If the seal rookeries were my personal property I should regard the task of branding all the young as no more difficult or onerous than the branding of all my calves if I were engaged in breeding cattle upon the prairies.

The same force that has heretofore been engaged on the Pribilof Islands in killing seals in the summer could easily drive up and brand, in a few days in the fall months, all the "pup" seals born on the islands.

During this first summer of their existence, after the breeding grounds have been broken up, it is possible to take possession of every pup on the islands and mark them so they could be recognized in the future.

The manner in which the seals were driven and killed seemed to me to be as good as could be adopted, and just such as any one would adopt who was accustomed to the management of farm animals. I was surprised to see how closely in nearly every respect the seal herds resemble droves of our domestic animals. Almost anything is done with them that we habitually do with our flocks and herds in farm life, except to feed them. They are started up from the beaches, collected in convenient sized droves, and driven by a very few men to the proper killing grounds, exactly as I would handle a flock of sheep; and, unless the weather was very hot and dry, seemed to me to suffer no more nor stand any greater risk of injury from driving than sheep would do under similar circumstances. When they arrive at the killing grounds they can be kept in a yard or corral surrounded by an ordinary cattle fence; but, without the trouble even of building a fence, with a single keeper to watch them and a few pieces of board set up around them on which some strips of sacking or old garments are hung, several thousand are herded and kept for hours, until the time, perhaps on the following day, for their slaughter. They grow very tame and tractable by repeated driving, and even the old bulls lose their fierceness and seldom turn upon their herders, particularly when brought in from the rookeries near the villages, where they become most familiar with man.

They seem never to be afflicted with any disease. The pups are always healthy, fat, and happy; the males too young for slaughter play about on the rookeries during the killing season and between the intervals of driving to the killing ground, galloping up and down the slopes or wrestling in good natured contest, as the young of other animals do when undisturbed, showing no signs of fear or timidity. The still younger seals, during their first few weeks, have so little fear of man that they may be picked up at any time more readily than young lambs;

and when a little older, after they have learned to swim, they come by thousands upon the beaches close to the village and may be driven up en masse and taken to a corral and impounded, or simply herded by a watchman and kept together for an indefinite length of time. When so herded they may be readily taken up one by one and marked by some mutilation, such as the cutting off an ear, as has been practiced on one or two occasions, I am told, for the purpose of identifying them afterwards, or by branding them. From my experience with both seals and cattle, I should as soon undertake to brand a lot of young seals as so many calves; and I believe by attempting it at the proper season, after the old seals have mostly left the island, and the young are "podding" by themselves, there would be no difficulty in "rounding up" simultaneously nearly all the young born in a single season and marking them for complete future identification.

Their habits of breeding are so nearly like those of domestic animals that one having them in control needs only to follow his experience as a shepherd or "cattleman" to cause them to become most prolific. He must keep all the females and kill off, as far as possible, all the surplus males above the number absolutely required for breeding purposes. I think these requirements were very exactly fulfilled by the late lessees of the seal fisheries during the time of my employment by them; and they are certainly able to point to the fact, unless I am grossly misinformed, that from 1870, when they first took hold of the business, up to the end of my service for them in 1884, the system pursued by them was as perfect as it could be and resulted in a steady increase of the seals. They failed only in omitting to take proper measures by branding or mutilation, as I have pointed out, to identify their property while pasturing in the ocean. The owner of a seal-skin with an infaceable brand on it would, even in a foreign country, I imagine, have some sort of property right which international law would recognize; and of his ability to mark nearly every skin with such a brand upon the live young animal I have not the slightest doubt.

If the seal were let alone in the water we could manage them so as to again build up the rookeries. We are so familiar with their habits and they are so accustomed to us that there is no difficulty in managing them so as to make them increase. They are easy to handle, the little pups are not shy of us, and even when they are older in the fall they can be handled much easier than sheep. I can manage seals better than I can some of the sheep brought on the islands and which I have been sent to catch.

Through all this slaughter, involving the driving and redriving, year after year, of the same seals, they did not become more timid when on land; but, on the contrary, *H. H. McIntyre, p. 52.* those resorting to the grounds most frequently disturbed were more tractable and easier driven and killed than the ones from remote points, as at Polavina or West Point, on St. Paul, or Zapadnie at St. George. The "killing gang" frequently spoken of, and I myself, observed the harder work in handling and subdividing the drove from the more distant places, because of the more savage, intractable character of the bulls.

I believe the seals to be susceptible of a high degree of domestication. If their strong propensity to bite whatever comes within offensive proximity, whether it be seal cub or a hunter's limb, could be cured, they could be as easily managed as a flock of sheep. Each one

of the young pups driven for the customary food supply before their first migration is picked up by the hind flippers to determine the sex, females even at this age being spared, and when thus in the hands of the hunters could be as readily marked or branded as any thoroughly domesticated animal. In fact, a large number were thus marked in 1872, by Special Treasury Agent Charles Bryant, by clipping the ear as a means of further identification. Every seal upon the islands has in this way been, or might have been, if we had so elected, within our very grasp, to kill or not to kill, to brand or not to brand, as we thought best, its skin having at the same time commercial value. I conceive that no further act of domestication is required to constitute under common law complete and absolute ownership, coupled, of course, with the right of protection of the property wherever found.

In respect to the propagation and perpetuation of the species, they are as controllable and amenable to good manage-

H. H. McIntyre, p. 58. ment upon the islands as sheep or cattle; yet the fact should not be lost sight of that both breeders and nonbreeders are, in the course of every season, completely in the power of the occupants of the islands, and the entire herd may be slaughtered to the immediate advantage of their possessors, if, by reason of international complications or any other cause, it is found desirable to exterminate them.

It was the custom each year just prior to the migration of the young seals to take a certain number, under supervision

H. W. McIntyre, p. 136. of the United States Treasury agent, for food of the natives during the winter, and as females were in no case killed a selection of male "pups" had to be made. This was done rapidly by catching each "pup" by the flipper, and upon releasing the animal, after examination, to send it with the males for slaughter or with the females for return to the sea. On such and on other occasions, seals were often marked or were noted as being marked by scars from fighting among the males; such marks were used to obtain data relative to their return to the island, and during the latter portion of my stay on St. Paul Island such marked animals were seen and identified in the herd or on breeding grounds.

These cases were sufficiently numerous to warrant my present belief that if such marking had been constantly practiced extensively, as might easily have been done precisely as in case of a band of cattle on the plains with all the young, it would have established their identity and completely shown that the seals do not find a home at any place other than that of their birth.

It is usually supposed that seals are like wild animals. This is not so. They are used to the natives and will not run

A. Meloredoff, p. 145. far from them. The little pups will come to them, and even in the fall when they are older we can take them up in our hands and see whether they are males or females. We can drive the seals about in little or large bands just as we want them to go, and they are easy to manage.

I do not think it is any more trouble to manage the seal herd than it is to manage some of the herds of cattle I have seen

S. Melovidov, p. 147. in California, and of the two the seals seem to me tamer and less afraid of the natives, to whom they are accustomed.

We could now, as we always did in the past, handle the young pups in the fall.

I believe the American Government to be justified in assuming and maintaining the absolute proprietorship of the American seals. They may, I think, in the broad sense of the word, be regarded as domestic animals. They certainly possess qualities of a domestic nature which are susceptible of a high degree of development. During the first two or three months of their lives they are as gentle and docile as most domestic animals. They may be handled and petted, will accept food at one's hands, can be taught to follow one from place to place, and in various ways are amenable to intelligent guidance and training. Even at mature age they are subject to as much control as are sheep or cattle. They may be driven here and there at will; may be separated and driven together again; divided into groups or "pods," great or small, or be herded by thousands with less effort and trouble than bands of cattle are herded on the plains. They are far from possessing that excessive timidity which has been popularly attributed to them. They soon grow accustomed to the sight of man, and in the absence of offensive demonstration on his part quickly learn to regard his proximity with indifference. At no time can they be called aggressive animals, but if suddenly attacked and their escape shut off, they will snap and bite viciously. The rookery bull will defend his harem valiantly, and nothing less than superior physical force on the part of his adversary can dispossess him. To test his courage in this respect I have occasionally attacked him with clubs and stones, and, though his family were driven off or deserted him, he still held his ground and successfully resisted my utmost efforts to expel him from the rookery.

The career of the fur-seal herd on these shores is not unlike that of any domesticated animal—it is simply a stock-breeding question. *L. A. Noyes, p. 81.*

Areas upon which it is agreeable for the females to breed are carefully reserved and set aside for that purpose.

Each year a sufficient number of breeding bulls are reserved for service on the rookeries. The utmost care is taken that the future of the herd is not jeopardized by the injury or death of a female.

So accustomed have the seals become to the presence of the natives that the timidity and shyness manifested in the ocean is not shown on the islands. In their infancy the pups will approach a native without fear, and later on they are readily handled and the sexes separated, should it be necessary to make a killing of pups for food. In the handling, management, and enlargement of the seal herd there is as much amenability to domestication as there is in a band of range cattle.

It has been said that man can do nothing to facilitate the propagation of the fur-seal. My experience does not support this. The reservation of females and the killing of the surplus males, so that each bull can have a reasonable number of cows, is more advantage to the growth of the rookeries than when in a state of nature bulls killed each other in their efforts to secure a single cow. *J. C. Redpath, p. 152.*

The same care can be and is exercised in the handling and management of the seal herd as is bestowed by a ranchman upon his bands of ranging stock, and is productive of like results. The seals have be-

come so accustomed to the natives that the presence of the latter does not disturb them. The pups are easily handled by the natives, and formerly, when used as an article of food, thousands of pups were actually picked up and examined, in accordance with Government requirement, to avoid the killing of a female. So easily are the seals controlled that, when a drive of "bachelors" is made to the killing grounds, a guard of two or three small boys is sufficient to keep them from straying, and from the general band any number from one upwards can be readily cut out. It is possible in the future, as it has been in the past, to reserve unmolested suitable areas to serve as breeding grounds; to set aside each year a proper number of young males for future service upon the rookeries, and by the application of the ordinary stock-breeding principles not only to perpetuate but to rapidly increase the seal herd.

I think he [H. W. Elliott, in his "Report on the Seal Islands of Alaska"] might, however, have made his description of the animals and the manner of obtaining their skins for market more intelligible to the ordinary reader by following more closely the analogy between the seals and farm animals, which invariably strikes the observer who is familiar with the rearing, handling, and slaughtering of both.

A farmer on going to the seal islands at once notices, as I did, that the term "seal hunting," so called, conveys no idea of the business of taking seals for their skins as it is there carried on. It is in no sense "hunting," the work of bringing in for slaughter from their accustomed haunts, and slaying such numbers of killable seals from day to day as will serve as a day's work for those engaged in the killing being in no way different from that pursued by the farmer in driving up his farm herd and selecting and killing such as he sees fit; the only difference being that, in the case of the seals, the pasture in which they feed is the broad ocean, out of which the seal farmer can not drive them. He must wait until they come on shore; but he can count with absolute certainty on their coming within his reach in due time, provided only their natural enemies oppose them and they are spared while at sea by their human enemies, who may, with perfect propriety, be termed "seal hunters."

The analogy can be further profitably followed by comparing the system usually pursued in breeding domestic animals with the methods adopted by the late lessees of the seal fisheries in preserving all the female seals, and enough males for breeders, and also in their manner of driving, yarding, herding, selecting for slaughter and for breeding, handling the young, and generally in the management of the herd; the exception in this respect being found chiefly in the fact that the seals, after they are a few months old, can not be manipulated with the hands, because of their propensity to bite, but must always be kept at arm's length by the herdman's seal club, in the use of which he becomes so expert that, without striking the seal or in any way injuring him, he protects himself most thoroughly against the snapping jaws and sharp teeth by which he is confronted.

Before the young seal leaves the island for the first time, in the year of his birth, he is less vicious, or less expert in the use of his teeth, and may be picked up by the flippers, or, if necessary, marked or branded; and at the proper season of the year I think 80 or 90 per cent of all the young could be brought up from the beaches and so dealt with.

I make these statements because I have heard it said that the seals are wild animals and can not be identified as belonging to any particular herd or rookery when off on the feeding grounds where they are captured by the marine seal hunters.

Every member of the entire sea herd of the island (except the new-born pups in the first three or four weeks of their life) had, when I was there, and, I understand, *S. M. Washburn, p. 155.* still has immediate money value; and the entire herd is, each season, as wholly and completely in the actual power and possessive control of the employés of the lessees as my father's cattle on his farm were in mine when I was a boy and he gave me charge of them. The only thing to prevent the immediate conversion of the entire herd into marketable skins, and so into cash, was the limit of the catch imposed by the terms of lease, unless, that limit being removed, the inhabitants were possessed of foresight and public spirit enough to preserve the herd for their own future profit or the future public good.

The seal has many traits of a domestic animal, and his birthplace is so certain a home for him that, in its habitable season, he does not need to be hunted, but can be found there as regularly as a farmer's cattle at night. To me it seems a pity to wastefully destroy his useful race when pasturing in the great oceanic international common.

When the seals are on the breeding grounds they are not easily frightened unless they are too nearly approached, and even then they will go but a short distance if *Daniel Webster, p. 181.* the cause of their fright becomes stationary.

I have often observed that the seals when on the islands do not take fright easily at the presence of man; and the natives go among them with impunity. They will *Daniel Webster, p. 182.* go into a herd of seals on the hauling grounds and quietly separate them into as many divisions and subdivisions as is necessary before driving them to the killing grounds. At the killing grounds they are again divided into bunches or "pods" of twenty or thirty each more readily than the same number of domestic animals could be handled under the same circumstances.

The bulls on the rookeries will not only stand their ground against the approach of man, but will become the aggressors if disturbed. Pups are tame and very playful when young, and, previous to 1891, when it was the practice to kill three or four thousand for natives' food in November, thousands of them were picked up and handled to determine the sex, for only the males were allowed to be killed.

PROTECTION OF FEMALES.

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It was the uniform policy of the lessees to carefully preserve and protect for breeding purposes all female seals; and, as their agent, I was instructed to exercise all possible care and caution for the preservation of the female when driving or killing. *Geo. R. Adams, p. 157.*

Females were never driven, except in a few cases where a barren one had hauled up with the bachelors, but I do not think in ten thousand females there is one barren. *Chas. Bryant, p. 8.*

As chief it is my duty to see that the rookeries are not troubled by anyone, to teach my people to obey the law and *Karp Buterin*, p. 103. my young men how to drive seals to the killing grounds without injuring them. I know, and all my people know, that the Government told us we must not kill cows, and we never kill them.

The company agent says to me: "Karp, be careful that no cows are killed." I know, and we all know, if we kill cows the seals soon die out and we would not have meat to eat; and if anyone told me to kill cows I would say "No." If I or any of my people knew of anyone killing a cow we would go and tell the Government officer. The Government officer told us that the Government did not like to have cows killed, and that we should not kill any more pups because it was wasting seals, and that the Government would give us plenty of other meat instead of pup meat, and we all agree to that, and we have not killed any pups since. And all my people will do everything the Government wants them to do. If any of our men get bad and kill cows or pups or do anything bad I punish them and I bring them before the Government officer.

Our priest tells us to obey the law and do everything the Government asks us to do, and we are all pleased to do it. We all know that the food and clothes we are getting has been given us by the Government, because we are not killing any seals to earn money to buy things for ourselves, and we know it is the Government sends us plenty coal when we have no money to buy it.

After the cows scatter in August they mix with the bachelors, and a few will be driven when we drive seals for food, *Karp Buterin*, p. 104. and sometimes one is killed by accident before the clubber knows it is a cow. If I knew that he killed it on purpose I would punish him; and if he did it again I would have him put off the island.

S. N. Buynitsky, p. 21. Under no circumstances is a female seal killed.

A female seal was seldom driven, not more than two a season on St. George, and I think they were in all cases barren *Samuel Falconer*, p. 162. cows, which had, because of their barrenness, hauled up with the bachelors.

The killing season for skins takes place in June and July, and none but males are killed, and it is seldom that the *C. L. Fowler*, p. 25. cows are ever in the drives at this time of the year. Should a cow happen to get into one of the drives she is carefully separated from the rest, and permitted to go to the water. Later in the season, when food drives are being made, and the harems are broken up, a small number of cows are in the drives, but none are killed unless by accident. The natives who make the drives are very particular on this point, and nothing offends them quicker than to have a female seal killed. They are very careful in handling the seals, and seem to fully appreciate the necessity of preserving the seals as well as the laws relating to that subject.

We know a cow seal on sight, and when we find one on the killing grounds we take care she is not injured. Very few cows get into the drives before the middle of August, and then we are only driving and killing a few hundred a week for food.

All cows killed on the seal islands are killed accidentally, and it occurs so seldom that I do not think there has been to exceed 100 since I came to the island in 1869. *Jno. Fratis, p. 108.* So carefully has this been guarded that when we used to be allowed to kill pup seals in November we had to examine and separate the sexes and kill none but males.

Under no circumstances is it allowable to kill a female of any age. *Louis Kemmel, p. 173.*

When the cows first come to the islands they go on the breeding rookeries and remain there through June and July, excepting while they go out to sea to feed, and *Jao. Kotchooten, p. 131.* this is why very few cows are ever found in the drives made in those two months while we are killing for skins. In August the families are broken up on the rookeries and the cows scatter and mix up with the young males, and when we drive for food there are a few cows in every drive, but as it is unlawful to kill a cow seal on the islands we are careful that none is killed.

Our people are very careful about that, and if one is killed by accident they do not like it, and the chiefs report us to the Government officer.

Every native knows a female seal at sight, and, as the law against killing a female is strict and so rigidly enforced, and as the clubbers are the most experienced *Aggei Kushner, p. 129.* and most careful men on the island, it is very seldom that any female seal is clubbed. Our people have great respect for law and are always ready to obey any rules laid down by the proper authority, and they have been raised in the firm belief that it is wrong to kill a cow seal. No one knows better than the natives that our prosperity is in the protection of the seals. They are our food supply, and our earnings from taking the skins enable us to live comfortably. Should the company desire us to kill female seals every native in the village would be interested in having the Government officer know it. The instructions we have always received from the company was to be careful in driving and to never kill a female seal.

During the month of August the families break up and the seals scatter around, and some of the cows mingle with the young males and are driven along with them when we make a drive for food, and sometimes one or two are killed accidentally. It is so seldom that this occurs, I do not think that there has been more than about ten cows per year killed on St. Paul Island since 1870.

The skins taken from seals killed for food are salted and counted to the lessees on the quota of the following year, so that nothing may be wasted. When we were allowed to kill pups in November for food and clothing, we always picked out the males, because we were not allowed to kill female pups, and now we are not allowed to kill any pups at all.

Very few cows get into a drive before the middle of August.

Later in the season, when we are driving seals for food, a few cows get into the drives, but we are careful that they do not get hurt; we all know it is forbidden to kill *Nicoli Krukoff, p. 133.* a female seal at any time, and we do not want to have them killed and none are killed except by accident.

On some occasions a considerable number of bulls, nearly large enough for rookery service, and rarely a barren *H. H. McIntyre, p. 49.* cow, were unavoidably gathered up from the beach and started inland with the herd. The greater part of these at first opportunity were segregated from the drove and sent back to the water. * * *

Female seals were very rarely included in the driven herd, and never killed except by accident.

There are many fines imposed at the Commander Islands for killing female seals, even by accident, and I am quite *Jno. Malowansky, p. 198* certain that the decrease in the number of seals (Commander Islands). thereon is not owing to the methods employed in killing. When a female is discovered in a herd while being driven to the killing ground she is carefully turned back and slowly driven to the water's edge, sometimes the work of several hours.

Since about 1835 the female seals have been invariably spared, and if the sealeries are to yield the best returns in *H. H. McIntyre, p. 58.* future, the wise system under which they have been heretofore protected must be rigidly maintained. The habits of the animals are such, in the separation of breeders from nonbreeders when on shore, that this can be easily accomplished.

Q. Have you ever known the lessees to take female skins?—**A.** No. Any employé killing a female either intentionally *Anton Melovedoff, p. 139.* or accidentally would be liable to a fine.

The killing of females is a crime on St. Paul Island, and our church teaches that it is a sin to kill one, and our people *Anton Melovedoff, p. 142.* know that the death of a cow seal means one pup less for meat in years to come. Never since I came here in 1869 have I known of a cow to be killed unless by accident, and I think there has not been 10 cows killed out of every 85,000 seals killed every year from 1870 to 1889.

The bulls and cows being on the breeding rookeries all through June and July, while the killing of the bachelors for skins is taking place, there is no reason why a cow should be driven or killed in the two months named, and it is a very rare case to see a cow on the killing grounds at this time and still rarer to have one killed.

After the killing season is ended and the breeding season is over the cows do mix up with the bachelors on the hauling grounds, and they are often driven when we make a drive of seals to kill for food, and sometimes one or two is clubbed by accident. With this exception there are no cows or females ever killed on the seal islands.

On my first arrival in the Priblof Islands in 1868 several other vessels, representatives of different interests, were *T. F. Morgan, p. 63.* there for the purpose of killing seals; and the natives of these islands, called Aleuts, were nearly all employed by one or other of the vessels in the business of killing seals. I noticed that the natives always remonstrated whenever any female was killed and stated that that was forbidden, and I am in-

formed that it always has been forbidden by the Russian Government. All the seals killed by me or under my superintendence, on the island, have been male seals, except in the case of accident.

Females might occasionally appear in the drove, but their presence was generally known and none were killed except *Jno. M. Morton, p. 68.* by accident, which occurred very rarely.

No female is ever killed, and it is very seldom *J. H. Moulton, p. 72.* a female is driven.

It is during these "food" drives in August, September, and October that an occasional female is accidentally killed.

Being mixed with the "bachelors" at that time, *L. A. Noyes, p. 83.* some females are driven and accidentally killed.

The killing of a female is the greatest crime known on the seal islands, and is never done intentionally. Of this I am most positive, for I know that every possible precaution has been taken to guard against it; and I believe there has not been one hundred females killed on St. George Island since 1880, if I may except some killed by poachers who were driven off before they secured the skins of the seals they had killed.

The most scrupulous care was always taken by all persons at the islands, including Government agents, the Alaska

Commercial Company's agents, and the native *H. G. Otis, p. 86.* chiefs and people, to spare and protect the mother

seals, whether upon the rookeries or elsewhere on the islands; so careful were we in that regard that whenever a female seal happened to be driven up along with a herd of killable seals, or "bachelors," she was promptly distinguished from the males, never killed, but separated from the mass and allowed to make her way again to the sea.

Statute law forbids the killing of the female seal, and nature regulates the matter so that there is no danger of their being driven or killed during the regular killing *J. C. Redpath, p. 149.* season, which takes place in June and July when all the "killing for skins" is done; and after all my experience here I am free to say that a small fraction of one per cent would represent all the females killed on the islands since they became the property of the United States.

The compact family arrangement so tenaciously adhered to during the breeding season becomes relaxed in August, and the females scatter, and a few of them mix up with the young males, and when the natives make a drive for food it occasionally happens that a female will accompany the males, and sometimes one or two may be accidentally killed. I use the word "accidentally" advisedly, because there is no good reason why the natives or the lessees should kill a female seal designedly, as the skin is of no more use or value (if so much), nor its flesh as good for food, as is that of the male. And, excepting accidents, it is a fact that no female seals are, or ever were, killed on the Pribilof Islands since American rules and regulations were established there.

No females are allowed to be driven or killed. *Thomas F. Ryan, p. 174.*

Only two females were ever killed, to my knowledge, by the natives in driving. I then made every effort to discover *B. F. Scribner, p. 90.* who had killed them, my object being to thoroughly impress on the minds of the natives and the agents of the lessees that the accident must not occur again.

W. B. Taylor, p. 176. I never saw but one female killed out of the 20,000 taken on St. George Island in 1881, and that was accidental.

George Wardman, p. 178. A female was never killed while I was on St. George, except by accident.

Every care is taken in driving the seals from the hauling to the killing grounds, and, during the regular killing sea-
Daniel Webster, p. 181. son of June and July, there are no females driven because, at this season, they are upon the breeding rookeries and do not intermingle with the young males. If occasionally one does happen to be in the drive, great care is taken not to injure her; the law prohibiting the killing of the female seal is well understood by the natives, and they are thoroughly in sympathy with it. Even were I to request them to kill a female seal they would refuse to do it, and would immediately report me to the Government agent. I have known an occasional one to be killed by accident during the food drives late in the season when the males and females intermingle on the hauling grounds, but the clubber was always severely rebuked by the chief for his carelessness as well as by the Government and company officers.

My observation is that the number of female seals killed on the islands from all causes is too insignificantly small to be noticed.

It is a fact that none but male seals are ever driven and killed on the islands, and great care is taken to preserve a
W. H. Williams, p. 94. sufficient number each year to supply the breeding rookeries.

THE KILLABLE CLASS.

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(See also "Dependence on Alaskan Herd" under "The Seal-skin Industry.")

John Armstrong, p. 1. And comparatively few as old as five years come up with the droves to the killing grounds.

Kerrick Artomanoff, p. 101. Our people like the meat of the seal, and we eat no other meat so long as we can get it.

The pup seals are our chicken meat, and we used to be allowed to kill 3,000 or 4,000 male pups every year in November, but the Government agent forbade us to kill any in 1891, and said we should not be allowed to kill any more, and he gave us other meat in place of "pup" meat; but we do not like any other meat as well as pup-seal meat.

While the breeding grounds have been left undisturbed to their own career, the hauling grounds have alternately been

J. Stanley Brown, p. 16. the scene of drives for the purpose of killing. The immature bachelors form the bulk of the seals that

haul out upon these grounds, and of them only the 3 and 4 year olds are taken for their skins.

The only seals killed for their pelts are those immature males that haul out upon the hauling grounds remote from the breeding grounds, and the handling of them causes no disturbance to the breeding females. The number of bachelors permitted to be taken in any one season is entirely within the control of the Treasury Department, which control has been exercised during the past two years for the enormous reduction of the annual quota.

The seals killed on the islands for their skins are *S. N. Buynitsky, p. 21.* these bachelors, those of from 2 to 4 years old being carefully selected.

The three-year-old male has meanwhile landed on the hauling grounds and is now of the most available age to kill for his pelt. *Samuel Falconer, p. 156.*

The bachelors are the seals which are killed by the lessees of the islands, the killable age being from 2 to 5 years; all seals which are not males or which are not of the correct age are separated from those to be killed, and allowed to return to the water. *Louis Kimmel, p. 173.*

We used to kill pups for food in November, and then we had to examine the sex and kill none but males. The Government has forbidden us to kill any more *Nicoli Krukoff, p. 133.* pups and we get other meat instead.

A suggestion was made to the Secretary of the Treasury in the fall of 1885 that some old bulls should be killed, but the Secretary declined to permit such animals to *Abial P. Lound, p. 38.* be destroyed.

The age at which the male seal should be killed for his skin to best meet the present demands of the market, is 3 and 4 years old. It is, of course, as with other animals, impossible to say in every case just how old a seal is, but in the large majority of cases an experienced seal-killer will determine with accuracy from the size of the animal, the growth of hair upon the neck, and the length and size of the canine teeth.

The sex of the yearlings is not easily determined unless the animal is caught and examined. The shape, size, and color of the two sexes are very closely alike at this age. At 2 years old it is less difficult, and there is very little risk in assuming that all those found at this age with the nonbreeders are males, because all, or nearly all, the females at 2 years old consort with the breeding seals upon the rookeries. In the last two years of the Alaska Commercial Company's lease of the sealeries large numbers of 2-year-old seals were killed under my direction, but never, to my knowledge, any females of this age.

The "bachelors" of from 2 to 5 years old are the only seals driven or killed on the seal islands by anyone or for any purpose; and the sensational stories told of how they are "tortured" on the drive have no foundation in fact. *L. A. Noyes, p. 82.*

After the regular season closes, in July, the natives kill, weekly, for food, from one to two hundred male seals whose skins are large enough to be accepted as part of the next year's quota.
L. A. Noyes, p. 83.

Thos. F. Ryan, p. 174. The seals which are "driven" and killed are bachelors between the age of 2 years and 5 years.

As to the manner in which the 100,000 seals, which furnish the annual quota of skins, are taken, Mr. Elliott says:
C. A. Williams, p. 544. "By reference to the habits of the fur-seal it is plain that two-thirds of all the males that are born (and they are equal in number to the females born) are never permitted by the remaining third, strongest by natural selection, to land upon the same ground with the females, which always herd together en masse. Therefore, this great band of bachelor seals, or 'hollus chickie,' is compelled, when it visits land, to live apart entirely, miles away frequently, from the breeding grounds, and in this admirably perfect manner of nature are those seals which can be properly killed without injury to the rookeries selected and held aside so that the natives can visit and take them, as they would so many hogs, without disturbing in the slightest degree the peace and quiet of the breeding grounds where the stock is perpetuated."

DISTURBANCE OF BREEDING SEALS.

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At no time during 1891 was there other than the greatest care exercised in protecting the breeding grounds from intrusion or molestation, precautions being taken that to a novice would seem excessive; nor could I find by the most diligent inquiry among the natives that there had been any deviation from these rules since the American occupancy of the islands, nor during that time had there been the killing of a female seal save by the rarest accident.
J. Stanley Brown, p. 12.

The "hauling grounds" of the young bachelors, which is usually somewhat removed from the "breeding grounds," is the only portion of a rookery upon which any intrusion is permitted.

During the entire time I was upon the islands the most stringent regulations were always enforced in relation to disturbing the rookeries in any way. The use of firearms during the season the seals were upon the islands was forbidden, and this was enforced by taking possession of the guns of the natives or by removing the locks and retaining them until the close of the season; also all dogs were, in 1869 or 1870, destroyed on the islands, and no others were allowed to be brought here.
Chas. Bryant, p. 8.

There were, while I was on the islands, stringent rules enforced on the islands as to the use of firearms, making noises, approaching the rookeries, etc. In fact every precaution was taken that the seals on the islands might not be frightened.
S. N. Buynitsky, p. 22.

In 1889 it was quite difficult for the lessees to obtain their full quota of 100,000 skins; so difficult was it, in fact, that in order to turn off a sufficient number of four and five year-old males from the hauling grounds for breeding purposes in the future, the lessees were compelled to take about 50,000 skins of seals of one or two years of age. I at once reported this fact to the Secretary of the Treasury and advised the taking of a less number of skins the following year. Pursuant to such report the Government fixed upon the number to be taken as 60,000, and further ordered that all killing of seals upon the islands should stop after the 20th day of July. I was further ordered that I should notify the natives upon the Aleutian Islands that all killing of seals while coming from or going to the seal islands was prohibited. These rules and regulations went into effect in 1890, and pursuant thereto I posted notices for the natives at various points along the Aleutian chain, and saw that the orders in relation to the time of killing and number allowed to be killed were executed upon the islands. As a result of the enforcement of these regulations the lessees were unable to take more than 21,238 seals of the killable age of from one to five years during the season of 1890, so great had been the decrease of seal life in one year, and it would have been impossible to obtain 60,000 skins even if the time had been unrestricted.

It is an indisputable fact, and known to the most ordinary breeder of domestic animals, that any surplus of males is a positive injury, and results in a progeny inferior in size, quality, and numbers produced. The fierce struggles of the surplus male seals to gain a foothold on the breeding grounds create great disorder and commotion, and often end in crushing the pups, and sometimes even in killing the mothers. This was so well understood by the Russians that long before the cession of Alaska they ordered the slaughter, we are told by Veniaminof, of the superannuated males, in order to clear the way for vigorous stock.

During those years the sealing season commenced about June 1st to 4th and closed invariably before the 20th of July, so that the disturbance to the herd was confined to the shortest possible period of time and reduced to the minimum. The effect of this was of course most excellent. In addition to which fact the skins were always in prime condition during that period; whereas, later on, the "stagey" season commences, when the skins are inferior and not marketable.

The practice formerly prevailed of permitting the native people to kill a very considerable number of four-months' old pups for food. This was done about November in each year, the numbers so killed being 5,000 on St. Paul Island and 1,500 on St. George Island. After observation and study, I satisfied myself that the number of pup seals so killed might properly be diminished somewhat, although it could only be done against strong opposition on the part of the native people, who are specially partial to the meat of pup seals, claiming that for purposes of salting and preservation for winter food the meat of the older seals is unfit. I, however, restricted the killing of pups to 3,000 on St. Paul Island and 1,000 on St. George Island, upon the condition and agreement on the part of the Alaska Commercial Company, which also

avored the restriction, that it would supply to the native people, in lieu of the pup-seal meat taken away, a sufficient quantity of corned beef and canned milk to satisfy the wants of the inhabitants. Deference was always paid to the wants and the fixed tastes of the native people and their families in this matter of supplying young seal meat for their subsistence, for the reason that the entire seal industry at these islands has always depended in so large a measure upon the skill and labor of these people, who have invariably been employed to take the skins, and have no other occupation whatever.

It has been said that man can do nothing to facilitate the propagation of the fur seal. My experience does not support *J. C. Redpath, p. 152.* this. The reservation of females and the killing of the surplus males, so that each bull can have a reasonable number of cows, is more advantage to the growth of the rookeries than when in a state of nature bulls killed each other in their efforts to secure a single cow.

Prof. H. W. Elliott says, in his report of 1874, that: "With regard to the increase of seal life, I do not think it within the power of human management to promote this end to the slightest appreciable degree beyond its present extent and condition in a state of nature."

If he means by the words "in a state of nature," a condition in which no slaughter is allowed, I quite agree with him; but I do not agree that the increase can not be aided by killing surplus bulls. When herded in common pasture, the greatest number of progeny from our domestic animals will unquestionably be brought forth and live to adult age if a large portion of the males have been killed or castrated. The same no doubt holds good with respect to seals. It is only when, as in the case of the seals, that the mothers and young offspring are slaughtered that the increase is checked.

MANNER OF TAKING.

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(See also "Driving," "Overdriving and redriving," "Improvements over Russian methods of taking," and "Killing.")

The present system of taking seals on the islands in vogue and practiced by the lessees under governmental supervision is, in my opinion, the best that can be devised for building up and perpetuating this great industry.

I became very familiar with the methods employed by the natives in taking the bachelor seals, which are the only ones *H. A. Glidden, p. 110.* killed on the islands, and I do not believe any improvement could be made in the methods.

Sealing on Robben Island, in the Russian group, was prohibited for a period of five years for the purpose of encouraging the increase of the herd, but their propagation was interrupted by the frequent attempts of poachers to raid the rookeries, and I believe that 4,000 or 5,000 seals were killed by the marauders while we were attempting to promote the growth of the herd.

I have heard it said that the seals are slaughtered indiscriminately on the seal islands, and that the natives take no care of the seals. The contrary of this is true. *Anton Melovedoff*, p. 142. Rules could hardly be made any more stringent than the rules laid down by the Government and company officers for the care and management of the seals, and no people could be more careful in obeying them in letter and spirit than what ours are.

In 1871 I visited the islands and directed the policy and practice to be pursued under the lease. In this pursuit I of course became conversant with all the details of *Gustave Niebaum*, p. 202 (*Commander Islands*). Under the Russian régime upon the Commander Islands prior to 1868 the number of seals taken annually did not exceed about 5,000, the skins of which were dried for market.

The methods employed in taking the skins are, *Daniel Webster*, p. 183. in my opinion, the best that can be adopted.

DRIVING.

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I was also instructed to use the greatest care and caution in driving and killing the bachelor seals in order not to injure those not wanted for their skins, but to drive them back from the killing grounds into the sea. *George R. Adams*, p. 157.

The same care was exercised in cutting out the drove of "bachelor" or killable seals from the borders of a rookery and in bringing them up to the killing ground. Active young men were selected for this service, and placed in charge of a chief, whose orders they implicitly obeyed.

The driving was done mostly in the night, and in dry or warm weather was a slow and tedious process; yet the men were very patient with their charge, moving them only at such rate as they could go without becoming overheated, and taking advantage of every stretch of moist ground or pool of water to cool them off, and sometimes going themselves in the water up to their necks in order to give the animals a cold bath and take them out of the water and continue the journey. Any representation that the seals were overdriven or overheated, to their subsequent injury, is drawn from the imagination. Sometimes a drove would be caught upon a dry stretch of ground in unusually warm weather, and a few of them perish, but this did not often happen.

The driving and killing of the bachelor seals was always carried on in the most careful manner, and during my stay upon the islands there was practically no injury caused to seal life by overdriving, and after 1873, when horses and mules were introduced by the lessees to transport the skins, the seals were not driven as far, killing grounds being established near the hauling grounds, and the loss by overdriving was reduced to the fraction of 1 per cent. * * *

In all cases, at suitable intervals and before driving to the killing grounds, the herd was halted and the males of 5 years old or older were allowed to escape.

All the drives are under the care of the chief, and my men never drive too fast. No drive on St. Paul Island longer than 2 miles. We never make more than two drives from the same rookery in one week. * * *

No seals are injured by driving, for we drive very slow and only when the weather is cool. Once in awhile one may be smothered and we skin it and count the skin along with the others.

In a "drive" the natives drive the seals from the hauling grounds a little way, separate the young killable males, and *S. N. Buynitsky, p. 21.* allow the remainder to return to the water or the hauling grounds. Then these young males so selected are driven to the killing grounds and there dispatched with clubs. During the entire time I was on the islands I never saw a single seal killed by overdriving.

The driving of the male seals to the killing grounds was done very carefully. If the weather was warm or dry they *H. N. Clark, p. 159.* were allowed frequent opportunity to rest. I am sure the driving did not hurt them in the least.

Under the direction of Mr. Redpath on St. Paul, and Mr. Webster on St. George islands, men who have superintended this work for many years, the natives do the driving, and the killing is performed under the supervision of the Government agents. The natives understand just how much fatigue can be endured by the seals, and the kind of weather suitable for driving and killing; no greater precaution in that regard can be taken. The evidence of this is in the small percentage of animals injured or overheated in these drives. I do not believe the animals are much frightened or disturbed by the process of selecting the drives from the rookeries, nor do I think it has a tendency to scare the animals away from the islands.

I have often observed the driving and killing of the seal on the islands by the former lessees, the Alaska Commercial Company, and I know the company required *M. C. Erskine, p. 422.* the seals to be handled with great care, and that the instructions from the company were to that effect and rigidly enforced.

While I was on the island I became familiar with the methods of driving and handling the bachelor seals pursued *Saml. Faloomer, p. 161.* by the natives, who were the only persons who ever drove, handled, or killed these seals. I am positive the methods can not be improved upon. * * *

The greatest care was always taken not to overheat the seals in driving them, and when a seal was by accident smothered the skin was removed and counted in the number allowed to be taken by the lessees. There were not, to the best of my recollection, twenty-five seals killed during any one season on St. George by overdriving.

Whenever the sun came out while a "drive" was in progress the driving at once ceased, so great was the care taken not to overheat the seals.

I have driven seals from all the rookeries and under the directions of several chiefs, and I know the orders were always very strict about the care we must take of the *John Fratis, p. 107.* seals on the road. No drives were made in warm weather; the seals were not hurried, but every once in awhile they were allowed to stop and rest. The men who did the driving were relieved from time to time, so that no man should get too cold on the drive, and when the sun came out warm the drive was always abandoned and the seals allowed to go into the sea. I never saw the seals overdriven or overheated, nor have I ever seen a seal die on the drive, except one or two occasionally smothered.

The drivers carry their knives along, and when a seal dies they skin him and the skin is brought to the salt house and counted in with the others.

An overheated seal would not be worth skinning, and for that reason the company agent is particular that the seals are not overheated. I have clubbed seals, too, and at present I am a regular clubber.

The driving from the hauling grounds to the killing grounds was always conducted with the greatest care; was done at night or very early in the morning, slowly *H. A. Glidden, p. 110.* and with frequent rests, so that the seals might not become overheated. During the killing the merchantable seals were always carefully selected. No females were killed, except, perhaps, one or two a season by accident, and the remainder of the herd were allowed to return to the water or hauling grounds. Very few seals were killed in a "drive," and the skins of these were, in nearly every case, retained and counted in the quota allowed to be taken by the lessees. The number of seals killed in this way could not possibly have affected seal life on the island. I never saw or heard of a case where a male seal was seriously injured by driving or redriving; and I do not believe that the virility of males driven was destroyed by climbing over the rocks or affected in any way by driving. Certainly the reproductive powers of male life on the islands were never decreased or impaired by these methods.

Another fact in this connection is that the lessees located the killing grounds as near the hauling grounds as seemed to be prudent without disturbing the breeding of the rookeries; that boats and teams were provided for transporting the skins to the salt houses from the killing grounds, thus avoiding long "drives."

The methods employed in handling the drives are the same identically as of twenty years ago. The same methods were observed when I first went to the islands, *W. S. Hereford, p. 36.* and were in vogue during the period that I referred to as an actual increase in seal life, and have been continued up to the present times. There is nothing different, except the enormous increase of vessels and hunters engaged in pelagic sealing in Bering Sea.

The killable seals, after being separated from the remainder of the herd, are driven by the natives to the killing grounds. After every "drive" that took place *Louis Kimmel, p. 173.* while I was on the island I went back over the ground along which the seals had been driven to see if any seals had been killed by overdriving. The entire number of seals killed in all

these "drives" did not exceed one hundred, and the majority of them were killed by the large seals crushing the smaller ones to death. In every case of a seal being killed on the "drive," I, as Government agent, imposed a fine in order that they might be more careful in the future.

And I remember when I was first rated a man, some twenty-three years ago; it was when Kerrick Buterin was chief, and he used to follow us up when we went to drive seals, and tell us to walk along as slow as we could, so as not to tire the seals or worry them in any way.

When we used to kill 85,000 seals in two months we had to work hard, and we had to go out at night to drive, so that *Jaoob Kotchooten*, p. 131. the seals should not be hurried, nor driven in the daytime when it was warm. In those days seals were driven from Halfway Point to the village, when the ground was wet, a distance of about 6 miles, and we used to start the drive at 6 o'clock at night, and get into the village between 6 and 7 o'clock next morning. * * *

The drives are always made by our own people, under the direction of the chiefs.

Copper Island is some 30 miles long and from 1 to 3 miles wide. The rookeries lie on the easterly and the village

C. F. Emil Krebs, p. 196. and killing grounds on the westerly side of the island. Between the rookeries and the killing grounds a continuous ridge, ranging from a few hundred to 2,000 feet in height, runs the whole length of the island. Over this ridge, at a point where it reaches about 600 or 700 feet in height, all the seals are driven, the journey requiring from five to twenty-four hours, depending upon the weather. The practice of thus driving them has been pursued ever since the earliest history of the business. Many of the seals are repeatedly driven and redriven over this trail in a single summer, but I have never seen any injury to them from the exertion to which they are in this way subjected. The statement of an expert that the virility of the seal is sapped and his powers of reproduction in any way weakened by such redriving is not borne out by the facts. On the contrary, the steady and rapid increase of the herd at Copper Island, already pointed out, again proves the old adage that in this matter, as in others, "theory is everywhere good except in practice."

The driving is all done by our own people under direction of the chiefs and we never drive faster than about half *Nicoli Krukoff*, p. 133. a mile in one hour. We very seldom drive twice from one rookery in one week. * * *

I never saw a seal killed by overdriving or by overheating; odd ones do die on the drives by smothering, but their skins are taken by the company and are counted in with the others.

I have been told that there are persons who claim we are not careful in driving seals and that we kill them regardless *Agget Kushen*, p. 129. of sex. These statements are not true. I have taken my turn at driving seals from the hauling to the killing grounds every year since 1870, and I know the driving is very carefully done. When I first came here seals used to be driven from Halfway Point to the village, a distance of about 6 miles; and from Zapadnie to the village, a distance of nearly 5 miles. Wet or very damp, cool weather was chosen for such drives, and we started the drive

at or about 6 o'clock at night and driving all night reached the village at from 6 to 8 o'clock next morning.

Half a mile in one hour was about the rate of speed on such drives in favorable weather and I do not know of any drives of over two miles where we ever went at a greater speed. * * *

The seals are never driven at a greater speed than one mile in three hours; and the men who do the driving have to relieve each other on the road because they travel so slowly they get very cold.

In a very large drive a small seal may be smothered, but that does not injure the skin, which is taken and salted and counted to the lessees; and the greatest number I ever saw die on the drive was twenty out of a drive of about nine thousand seals, and the twenty skins were good and were accepted as "first-class."

While I was on the islands I attended nearly every "drive" of the bachelor seals from the hauling grounds to the killing grounds, and these "drives" were conducted by the natives with great care, and no seals

were killed by overdriving, plenty of time being always given them to rest and cool off. A few were smothered by the seals climbing over each other when wet, but the number was very inconsiderable, being a fraction of 1 per cent of those driven, and did not to any extent affect the seal life on the islands. The greatest care was always taken to avoid overdriving both by the Government officers and employés of the lessees.

That during my experience I have watched carefully the driving of the bachelors from the hauling grounds to the killing grounds; that there has never been any variation in the methods of driving; that the prevention of injury to the seals from driving was kept constantly in mind and the greatest care exercised that no such injury occurred; that the number of seals killed by overdriving or by smothering was very inconsiderable at all times, and that said seals so killed could not make any appreciable difference in the number of seals who breed and haul upon the said islands; that up to 1882 there was no difficulty in procuring the required number of killable seals.

The drove was frequently allowed to rest, and whenever practicable driven through some of the numerous ponds, or across marshes, to keep them cool. Generally the loss of life from the "drive" was very small, amounting, after the first two or three years, to only a fraction of 1 per cent of the number killed. And nearly all that perished on the road were skinned, and the pelts counted in our annual quota.

In describing the habits of the seals it has already been pointed out that the "bachelors," or killable seals, haul out upon the land separate and apart from the breeding rookeries, and it follows that they may be herded together and driven in from the beaches to the killing grounds without in the least disturbing the breeding seals. During the killing season, beginning the 1st of June, or as soon as the seals arrive thereafter, it is customary for the superintendent to ascertain the day before a drive is to be made where the killable seals lie, and to instruct the chief in the evening in regard to the work for the following day.

At daybreak, about 1 or 2 o'clock in the morning, the chief calls a sufficient number of men, usually from six to twelve, and leads them to the designated beach. They approach the hauling ground as noiselessly as possible, keeping to the leeward of the seals until a point is reached whence the "run" is to be made, when, at the word, all move at the top of their speed along the edge of the surf and take intervals, like a skirmish line of soldiers, between the seals and the water, at the same time making such demonstrations by swinging the arms, flourishing caps and coats, or beating bones or sticks together as to alarm the animals and cause them to rush inland. The drove is quickly collected and brought together in one mass. When it has moved a short distance from the water it becomes perfectly manageable and is then divided into detachments of 500 to 1,000 seals; each detachment is placed by the chief in charge of a trusty man, who, aided by two assistants, one on each flank and himself in the rear, brings his drove along toward the killing grounds at a speed varying from a few rods to a mile an hour, in accordance as the weather may be hot and dry or moist and cool. If the chief is efficient and properly instructed, the seals are at the killing ground by 5 or 6 o'clock in the morning, and are given an hour or two to rest and cool before the gang turns out after breakfast for the day's work.

The longest drive made during recent years is that from English Bay to the village on St. Paul Island, about $2\frac{1}{2}$ miles. * * *

In driving, advantage is taken of every snowbank, small lake, or stretch of marshy ground to rest and cool the drove; and if very hot and dry or the sun breaks out, it is kept in a cool place until the conditions change. Sometimes the practice of driving the seals in the afternoon and evening of the day before they are to be killed has been followed. In this case one herdsman through the night is sufficient to prevent their escaping.

The fur-seals do not travel on the land with that ease of locomotion characteristic of purely land animals, but on the other hand, they move with great freedom compared with other species of seals. Their enforced action on the drive is, as a rule, but little more violent than they voluntarily take upon the rookeries when moving up and down the slopes and playing with each other.

There are generally in each drive a few bulls, full grown or nearly so, too large for killing, and occasionally a dwarf or sickly seal and rarely a female, all of which are segregated from the mass as soon as possible and left behind to find their way back to the water. Much depends in driving upon the good judgment of the man in charge as to when and how long they should be allowed to rest, and in keeping the herd spread out so as to prevent the animals from huddling together and crowding. With proper management, the loss from driving is but a fraction of 1 per cent, and nearly all are skinned and the skins counted as a part of the annual quota. The animals that are found unfit for killing and are allowed to return to the water to be repeatedly driven later in the season, suffer, in my opinion, no injury. I have seen it stated by theorists with little or no practical experience, that the exertions to which the seals are subjected on the drives is unusual and excessive; and they infer that it must injure the animal's reproductive usefulness. With more extended observation and experience they would discover that such is not the case. The best practical illustration of this fact is found on Copper Island of the Commander group where, for the past twenty years or more, it has been customary to drive nearly all the seals over a very rough mountain trail across the island, and to practice the same

methods in the killing that we have pursued at the Pribilof Islands, with the result of constantly and healthfully increasing the herd. That seals are occasionally injured or lost by improper handling is no sufficient reason for abandoning a system of management which proves satisfactory when properly administered. These theorists apparently find it very easy to criticise the management of the seals without suggesting any way in which to improve it.

The erection of "salt houses" at suitable places for curing the seal skins was one of the earliest works undertaken, and several were erected at points convenient to *H. W. McIntyre, p. 137.* the largest "hauling grounds." In addition to this teams were furnished and skins hauled to the salting places or, in other instances, they were taken by boats, as most convenient.

In this manner the necessity for long drives was obviated and the work made easier in all respects.

The polygamous habit before mentioned naturally results in forcing the young male seals to "haul" from the sea by themselves, which renders their capture less difficult, as they may be driven without disturbing the breeding seals with their young. Seals to be killed were usually, and as a rule, driven at night or very early in the morning when the grass or ground was moist with dew or during the prevalence of fog, and was leisurely performed under direction of experienced hunters, hence the animals were spared the fatigue of traveling on dry ground at unwonted speed.

When not being driven their movements on land are in nowise uncertain or distressing, and they are frequently seen journeying of their own volition from one "rookery" or "hauling place" to another at considerable distance, especially when singly or in small groups; they catch on a strong wind the scent of a herd at a remote point and set out to join it. In connection with the work of driving the seals at frequent intervals it was of special interest to observe that they became less wild or timid, and consequently could be managed more easily in herd.

The driving grounds on Copper Island are very rough and hilly and much more difficult to drive over than those on the Pribilof Islands. The drives are always *Jno. Malowansky, p. 199* carefully made, slow, with a chance to rest, and (*Commander Islands.*) foggy days are selected. I have never been able to discover any injury to the herds from these drives, nor do I believe there is any. The killable seals herd by themselves, and until recently we did not drive from all the hauling grounds, but this we have had to do in the last three or four years, because the seals were getting scarce as the result of hunting them at sea.

No one ever said in those days [before 1868] that seals were made impotent by driving, although long drives had been made for at least fifty years. * * * *Anton Melovedoff, p. 142.*

When I first went on a drive I remember how the chiefs talked to me about being careful of how I went on the hauling grounds; how I must not disturb the breeding *A. Melovedoff, p. 142.* rookeries, and that I must walk as slow as I could when driving, and stop and let the seals rest occasionally.

I believe the same instructions were given at all times by the chiefs to our people, and I think they have been generally very faithfully obeyed.

I know that as long as I can remember the driving of seals has been the most carefully done work on the island, and *S. Melovidov, p. 145.* all the drives have been done by our own people, under the immediate orders of the native chiefs.

The aim at all times of all concerned has been to care for and guard the seals, and to do everything possible to preserve and perpetuate seal life. We were always instructed by the chiefs to drive slowly, and to let the seals stop and rest occasionally, and if a cow happened to join the drive, we had to allow her to drop out and return un molested to the water.

It has been the policy and practice of the lessees to do everything that could be done to shorten the length of the drives whenever it could be done without injuring or disturbing the breeding rookeries, and to this end salt houses have been built, teams and wagons or boats used so as to reduce the longest drive on St. Paul Island to not to exceed 2 miles. Never since 1879 has a seal been driven on this island to exceed that distance. In like manner rules have been made and rigidly enforced that no hauling grounds shall be driven from oftener than twice in any one week, and it is a rare thing to drive more than once a week from the same place.

Simeon Melovidov, p. 146. There is no foundation in fact for the stories told of overdriving of seals.

The North rookery of Bering Island is in every way rougher than any I observed on the Pribilof Islands. I saw two of *N. B. Miller, p. 200.* the drives from the North rookery. One of the routes leads over the rough rookery, through the shallow lagoon, and up the bluff at a place where the angle is about 35° to the grassy plain in front of the temporary dwellings of the natives. a distance in all of about a quarter of a mile; the other leads up the bluff from the sand beach at the western arm of the rookery, out beyond and back of the settlement, over a comparatively level but marshy and broken country, to a distance of from $1\frac{1}{2}$ to 2 miles. I consider these drives harder and rougher than those of the Pribilof Islands. The killing ground at the terminus of the shorter drive is small and did not appear to be used to any extent. On June 4th, 1892, I landed on and photographed Polatka rookery, on the western coast of Copper Island. This is somewhat similar to the North rookery of Bering Island, but is very much narrower, and instead of being composed of loose rock heaps is largely of great tilted masses of stratified volcanic rock with very sharp and jagged edges. It is less than a mile long and at the widest part, including the outlying rocks, not more than 300 yards in width, measuring right up to the base of the bluffs. It lies at the foot of abrupt cliffs from 600 to 800 feet in height along its whole length, with the exception of one point. This is about the center of the rookery, where there is a small hill of hard-packed sandy soil about 60 feet high, back from which a very steep ascending ravine leads to the summit of the ridge, an elevation of about 700 feet.

The drive from Polatka rookery leads up over this sand hill and through the ravine; over the ridge, I was informed, the rest of the 2 miles is on a descending grade to the other side of the island, where the killing ground is located. The rocks of this rookery also did not have the appearance of being flipper-worn. There were no signs of vegetation on the entire rookery, and no soil apparently, except on the sandy hill at the mouth of the ravine. I estimated about 250 fur seals

on Polatka rookery, about 30 of them bachelors. I saw no cows, and think they had not yet arrived, as 40 codfish were landed on the decks of the *Albatross*, where she lay within 500 yards from the shore, in an hour. I think if feeding cows had been about the rookery, the fish would not have been found so close to it. From an elevated position on Polatka, I obtained a good view of the rookery next above it, called Pestchanni. The character of this is similar to Polatka, but has a sand beach adjacent to it where the bachelors doubtless mostly herd. The drive from here, as I was shown it, leads up a shallow stream a short distance, and then over the mountain side to the ridge, a height of fully 800 feet, from whence it continues down to the opposite side of the island. Both of these drives on Copper Island are exceedingly hard and rough; I know of none on the Pribilof Islands to compare with them.

The slaughter of animals for their skins was always conducted carefully and systematically, and in accordance with wise regulations looking to the proper protection *Jno. M. Morton, p. 68.* and conservation of the seal life. The killing of females was prohibited, and, fortunately, a strict adherence to the law in this respect was entirely practicable by reason of the fact that the "bachelors" or killable seals occupy positions on the islands separate and apart from the breeding animals, so that the latter were never disturbed in the drove. There were often driven to the killing grounds at the same time as many as two or three thousand seals, from which were selected without difficulty such animals as were suitable for slaughter, while all others were allowed to return to the water.

* * * * *

In the matter of driving, great care was exercised to prevent overheating and exhaustion on the road, and the loss of animals in this respect was very slight. I may state here that I have never seen any evidence that the seals derived any material injury from their overland trip to the killing grounds. It has, I believe, been claimed by some one writing on the subject, that the large seals which have been thus driven, and subsequently in the culling-out process dismissed from the herd and permitted to return to the water, suffer a loss of virility or the power of procreation by their journey. Such statement seems to me to be puerile and altogether unworthy of serious consideration. As I have said, the driving was done carefully, and without undue haste, and while an animal might occasionally succumb to the heat of an unusually warm day, as a rule the physical exertion called for on the part of the seals on these enforced journeys was not greater than they customarily put forth in their voluntary ramblings over the dunes and rocks of the islands. Indeed, the mortality among the seal life from whatsoever cause, outside of that incident to the killing of the animals for their skins, was always surprisingly small, and could not have affected the rookeries in any appreciable manner.

While on the islands I observed with great care the manner of driving and handling the young male seals allowed by law to be killed for their skins, and I am convinced *J. H. Moulton, p. 72.* the methods now in use on the islands can not be improved upon, and especially because all the driving is done by the natives, who from generation to generation have made this their only business, being trained up to it from boyhood. Every pre-

caution is taken in driving not to overheat or weary the seals, frequent rests being had, and a "drive" never being undertaken when the sun was shining; if the sun came out unexpectedly during a "drive," the animals were at once allowed to return to the water.

Very few seals die during a "drive," amounting to a very small fraction of 1 per cent of those driven, and in nine cases out of ten of those accidentally killed in this way the skins are saved. I never saw or heard of a seal being injured seriously by driving or redriving. I have seen the hind flippers in a few instances a little sore, but never in all my experience have I seen an old sore on a seal. I am positive the reproductive organs of every one of the hundreds of thousands of sea lions I have seen driven were uninjured by their movements on land, and I am further convinced this must be so from the fact that a seal when moving on land raises himself slightly on the hind flippers, so that his reproductive organs are clear of the ground. Even if a seal was driven twelve successive days for the average distance between a hauling ground and a killing ground, I do not believe its virility would be at all impaired.

The result of my observations of the methods of driving the seals from the hauling grounds to the killing grounds
S. R. Nettleton, p. 76. is that a very small fraction of 1 per cent of the seals die from being overdriven or from being overheated in driving.

When necessary to make a drive for skins from any given rookery
L. A. Noyes, p. 82. the local agent of the lessees informs the Treasury agent, and obtains his permission to make the "drive." No seals are driven without the consent of the Treasury agent in charge of the island. All being ready, the native chief takes a squad of men to the hauling ground, where the seals are quietly surrounded without disturbing the breeding rookery, and they are then driven slowly along to the killing ground.

Since the improved methods of 1879 there is no drives of greater length than $2\frac{1}{2}$ miles, and the majority of them do not exceed 1 mile. So carefully and so slowly are the drives made, the men driving are relieved every hour, because of the slow motion they get chilled on the road.

Orders were issued by which the driving is regulated in such manner
L. A. Noyes, p. 83. that no hauling grounds are molested or disturbed more than another, and, being taken in rotation, the seals are allowed several days rest between drives. The rules for driving are so strict, so rigidly enforced, and so faithfully carried out, that I hardly know how they could be improved upon.

There was indeed no occasion to disturb them [the breeding rookeries] because the killable seals, or "bachelors,"
H. G. Otis, p. 86. from 3 to 5 years old, were so numerous that the whole catch could be taken from this class with the ease and facility which I have already described.

Besides, under the operation of the natural laws governing the species in their habitat, the classes are distinctly separated on land, the bulls, cows, and pups occupying the breeding rookeries proper, while

what are known as the "bachelors," to wit, those young males which have not arrived at the dignity of being the heads of harems, haul out of the sea and gather upon the shores separate and apart from the breeding rookeries, so that the driving for killing purposes could then be readily done without interfering with the breeding rookeries. Thus a wise deference on the part of man to the habits of this systematic race of animals can be turned to valuable account and nature be made to reinforce commerce in her work.

The young males, from 2 to 5 years old, whose skins are taken by the lessees, begin to haul out on land in May and they continue to haul out till July. They herd by *J. C. Redpath, p. 149.* themselves during the months of May, June, and July, and they do this because, during the breeding season, they dare not approach the breeding rookeries or the bulls would destroy them. Being thus debarred from a position on the breeding rookeries or from intermingling with the cows, they herd together on the hauling grounds, where they are easily approached and surrounded by the natives, who drive them to the killing grounds without disturbing the breeding rookeries. * * *

The regular killing season for skins under the lease begins on June 1st and ends practically on the last of July; and during this period the first-class Alaskan fur-seal skins are taken. The seals are driven from the hauling to the killing grounds by experienced natives under the orders of the native chief, and the constant aim and object of all concerned is to exercise the greatest care in driving, so that the animals may not be injured or abused in any manner.

As the regulations require the lessees to pay for every skin taken from seals killed by the orders of their local agents, and as the skin of an overheated seal is valueless, it is only reasonable to suppose that they would be the last men living to encourage or allow their employés to overdrive or in any manner injure the seals. I know that the orders given to me as local agent were always of the most positive and emphatic kind on this point, and they were always obeyed to the letter. Instead of overdriving or neglecting the seals the lessees have endeavored to do everything in their power to shorten the distances between the hauling and killing grounds, or between the hauling grounds and the salt house.

All driving is done when the weather is cool and moist, and when the condition of the weather demands it, the drives are made in the cool of the night; and in no case *J. C. Redpath, p. 150.* are seals driven at a higher rate of speed than about half a mile an hour. So carefully is the driving done that it has been found necessary to divide the native drivers into several "watches," which relieve each other on the road, because, the pace being so slow, the men get cold.

I am further satisfied after my two years' experience that the driving of male seals to the killing grounds by the natives could be of no possible injury to seal life *T. F. Ryan, p. 175.* on the islands.

While on St. George Island I attended nearly every killing of the bachelor seals (which are the ones taken for their skins) and also many drives. I very frequently *B. F. Scribner, p. 89.* went over the ground where a drive had been

made, after such had taken place. I became familiar with the manner of driving, handling, and killing the seals by the natives, and I consider the methods employed by them to be practically perfect, and no improvement can be made on such methods. The greatest care is always taken not to heat the seals in driving them, and in case the sun came out during a drive the seals were allowed to return to the sea.

The work of taking the annual "catch" was done in 1883, 1884, and 1885 under my management in the same way in *Leon Sloss, p. 91.* every particular as under my predecessor. The seals were carefully driven, handled, and killed in an orderly manner, the whole work being carried on as systematically and quietly as in the well-conducted slaughterhouses in our cities. The talk about lasting injury resulting from overexertion to such seals as are turned back to the water after having been driven to the killing grounds is nonsense.

I made a very particular examination and study of the methods employed by the natives in driving and killing the *W. B. Taylor, p. 176.* young males, or bachelors, and in my opinion these methods are the very best that could be adopted, and I can conceive of no other way which could be employed and preserve seal life so effectually. In starting a drive the bachelors are driven from the hauling grounds, which are separated from the breeding grounds. * * * A drive is always made between 2 and 6 o'clock in the morning, when the weather is cool and there is less liability of overheating the seals. Seals are driven as slowly as is possible and still keep them in motion. I do not think that there were fifty seals killed during the season by overheating and smothering, and in all cases the skins of these were taken and counted with the other skins transported to the salt houses.

While located on St. George I became thoroughly acquainted with the methods of driving, handling, and killing the *Geo. Wardman, p. 178.* bachelor seals by the natives. I believe those methods are the very best that could be adopted for the preservation of the rookeries and conservation of seal life.

* * * * * Seals were rarely killed by overdriving; but when such an accident occurred the skin was taken off and included in the quota. Often after the drive I went over the ground where the seals had been driven and counted those left on the road. They were very few in number, and did not affect seal life in general on the island.

After I learned the business one of my duties was to have charge of one of the gangs of natives engaged in driving the *S. M. Washburn, p. 155.* seals from the rookeries to the killing grounds and there slaughtering them. Such seals as we did not slaughter for their skins were allowed to return at will to the rookeries and were in no way injured by such driving and return. On getting back to the place whence they started they were, after a short rest, as playful and active as ever.

The longest drives made on St. George Island are from "Starry Asteel" and "Great Eastern" rookeries, and they *Danl. Webster, p. 181.* are less than 3 miles long. Drives from these rookeries require from four to six hours, accord-

ing to the weather. At Zapadnie rookery, on St. George, the drive to the killing grounds is less than a mile. The seals are now being killed there instead of being driven across the island, as they were prior to 1878, when it took three days to make the journey. There is now a salt house at Zapadnie, at which the skins are salted as soon as taken.

The killing grounds on both islands are all situated within a very short distance from the shore, and seals not suitable to be killed, or that are turned out for any cause, immediately go into the water, and after sporting around for an hour or two, they return to the hauling grounds, and to all appearances they are as unconcerned and careless of the presence of man as they were before they were driven to the killing grounds.

OVERDRIVING AND REDRIVING.

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The same seal is sometimes driven several times during the season. One with a peculiar spot on him was driven in more than a dozen times in one season. His skin *Jno. Armstrong, p. 1.* was in such condition that we did not want it. But I do not think that he or any other one of the drove was injured by the exertion. The driving gave them, with rare exceptions, very little more exercise than they appeared to take when left to themselves. The practice of driving has always been conducted the same as when I was on the islands, and the seals have thriven and increased under it. They grow much tamer, too, with repeated driving, and seem to learn the road and what is expected of them on the killing ground. It is much less trouble to handle a drove of seals from the rookery very near the village than those from a distant point.

Redriving of the growing males from the various hauling grounds was made at intervals of several days, and did not cause them any injury, and I am thoroughly *Chas. Bryant, p. 8.* satisfied that there was not a single instance in which the virility of a male seal was destroyed or impaired by redriving.

I never saw or heard of a case where a male seal was seriously injured by driving or redriving. Certainly the reproductive powers were never in the slightest degree *Samuel Falconer, p. 162.* impaired by these means. When we consider that the bulls, while battling on the rookeries to maintain their positions, cut great gashes in the flesh of their necks and bodies, are covered with gaping wounds, lose great quantities of blood, fast on the islands for three or four months, and then leave the islands lean and covered with scars, to return the following season fat, healthy, and full of vigor, to go through again the same mutilation, and repeating this year after year, the idea that driving or redriving, which can not possibly be as severe as their exertions during a combat, can affect such unequal vigor and virility, is utterly preposterous and ridiculous. To show the wonderful vitality of the male seal, I will give one instance which came under my own observation: A drive of about 3,000 bachelors had been made, and, after going a short distance, was left in charge of a boy; by his negligence they escaped from his control, and the whole number

plunged over a cliff, falling 60 feet upon broken stones and rocks along the shore. Out of the whole number only seven were killed, the remainder taking to the water; and these seven met death, I believe, from being the first to go over and the others falling upon them smothered them.

As long as a seal is not overheated in driving he could be driven any number of successive days without in any way impairing or affecting in the slightest degree his procreative powers, of course always provided the natives use the same methods in driving that they always have done. Seal life, I am positive, was never affected in this manner on the Pribilof Islands.

A few seals are injured by redriving (often conflicted with overdriving and sometimes so called), but the number so *Charles J. Goff, p. 113.* injured is inconsiderable and could have no appreciable effect upon seal life through destroying the virility of the male. The decrease, caused by pelagic sealing, compelled whatever injurious redriving has taken place on the islands, as it was often necessary to drive every two or three days from the same hauling grounds, which caused many seals let go in a former "drive" to be driven over again before thoroughly rested. If a "drive" was made only once a week from a certain hauling ground, as had been the case before pelagic sealing grew to such enormous proportions and depleted the rookeries, there would be no damage at all resulting from redriving.

During my experience (and I was on the killing ground at every killing that took place while I was on the islands) *Abial P. Loud, p. 38.* I never saw a male seal which had been injured by being redriven several times from the same hauling ground. I am convinced that while I was there there was not a single case in which the virility of a male seal was destroyed or impaired in the slightest degree by driving, redriving, or overdriving, and I took particular notice of the condition of the males during each drive. The males old enough for service on the breeding grounds were always allowed to return to the hauling ground from a "drive."

Of course many of these were redriven, and some of them several times during the season, but I believe no injury *H. H. McIntyre, p. 49.* resulted to them from this process. They were subjected upon the drive to no greater exertion, and rarely to more cruel treatment in any way than we habitually put upon our domestic animals. The only noticeable effect upon them resulting from the "drive" was sometimes abraded hind flippers, and, of course, the signs of healthy fatigue naturally following continued exertion, from which they quickly recovered. The loss of virility and destruction of reproductive power in the older males by reason of repeated driving and other hardships to which the young animals are subjected upon the islands exists, if at all, only in the imagination of theorists who have reported upon the subject. It is arrant nonsense. Impotent males are never seen there in any species until they have become so by old age.

The "hauling grounds" nearest the "salt houses" were, as a matter of course, most frequently visited by the hunters. *H. W. McIntyre, p. 137.* At each time of driving some animals were found too large or too small, or otherwise undesirable,

and were allowed to escape from among the "killable" herd, and it was the subject of frequent remark that these seals so frequently driven became accustomed to the presence of man, and evidently acquired confidence from the fact that they were not harmed, so far that on being separated from the herd they appeared unconcerned, and not worried or frightened, but would leisurely return to the place whence driven, and, without taking to the water, as is their habit when frightened, would remain until, on the arrival of others in sufficient numbers, they were again driven, only to be released and returned as before.

These repeated drivings did not apparently injure the animals in the least. Injuries through accident resulted at intervals, but most of those were slight, and recovery soon followed. That the driving of the seals as practiced, whether more or less frequently, did not result injuriously to the breeding, is abundantly proven by the results noted after the lapse of several years.

I was first chief from 1884 to 1891, all through the years of the decrease and controversy, and it has been my duty to inspect the rookeries and seals from time to time *A. Melvordoff, p. 143.* and to report the condition of both to the Government and company agents. It has been my duty to thoroughly inform myself of the number of male seals—bachelors—on each rookery, and to select the grounds to be driven from every killing day throughout each killing season, and I believe I never allowed the seals to be overdriven or the drives to be made too often.

While I was on the islands I am convinced that the propagation of seal life was never affected in the slightest degree by redriving or overdriving. The killing grounds *J. H. Moulton, p. 72.* were near the water, so that the seals let go from the killing could easily return to that element, and these killing grounds were established as near the hauling grounds as it is possible to do without having the odor from the carcasses disturb the breeding seals. Teams and boats were also used to transport the skins to the salt houses, so that the killing grounds could be located much nearer the hauling grounds than before this means of transportation was provided.

It was a very rare occurrence for a seal to be killed by overdriving. I never saw or heard of a seal being injured by driving or redriving, and I am certain that the *B. F. Scribner, p. 90.* reproductive organs of a seal were never injured by any such means. The idea that the virility of a male seal was impaired by driving or redriving is preposterous, for a male seal which can survive fasting for three months, and the serious wounds and violent exertions of conflicts on the rookeries, besides serving so many females, could stand almost any amount of driving while a bachelor.

I never saw or heard of the generative organs of a male seal being injured by redriving, and it seems to me to be utterly absurd that anyone could think that an *W. B. Taylor, p. 177.* animal with such wonderful vitality as is possessed by the male seal could be injured or his reproductive powers impaired by driving or redriving. If such a thing should occur it would be at once noticeable, for the impotent bull would certainly haul up with the

bachelors, having no inclination and vigor to maintain himself on the rookeries.

It is asserted by Mr. Elliott, in a report made subsequent to that above cited, from which I have seen extracts, that *George H. Temple, p. 154.* permanent injury results to the male seal from the practice of repeatedly bringing him up to the killing grounds and letting him go again because of some defect in his skin, or for the reason that he is needed as a breeder. He does not say what he saw among the old males to justify any such conclusion, and I do not believe it is warranted by the facts. When the seals get back to the water after a long drive they are, of course, considerably fatigued, but leap as gaily as usual after a little rest, and play with their fellows on shore with their accustomed vivacity on the day following the drive.

There are always some disabled seals on the beaches described by Mr. Elliott as "hospital rookeries," where those maimed in the conflict for supremacy on the breeding grounds and decrepit old males too old for further service haul up to rest and heal their wounds. The number of such animals is never large in proportion to the whole herd, and all others represent the highest type of virility, vigor, and strength.

The only injury I ever noticed from redriving was that the hind flippers of yearlings which had been driven several times would be slightly abraded. They were footsore, you might say, but there were no injury to the reproductive organs of the males driven. I am satisfied the natives would have noticed it and spoken to the Government agents about it if we had overlooked the fact. My attention was never called to anything of this kind, and in all my experience I never heard of a male being so injured. Even if a male were driven once a day for ten successive days, I am certain that such driving would not impair his future usefulness as a progenitor of his species.

The seal usually makes one rookery his home, and so the same seal, when not up to the standard for killing, is driven *S. M. Washburn, p. 155.* several times in one season to the killing grounds to find his way back to the rookery when those suitable for killing have been dispatched. They are fresh for the succeeding journeys, which take place at intervals of several days, as for the first one. The methods of the lessees in killing their quota and in care for the perservation of the great body of the herd were, in my judgment, as judicious as could be taken.

Seals turned away from the killing grounds return to the rookery from which they were driven, therefore a male *Danl. Webster, p. 182.* seal is not redriven day after day, because a hauling ground is always given several days' rest before being driven from again. I never saw or heard of the generative organs of a male seal being injured by driving or by redriving, and if such a thing had taken place, even in exceptional cases, the natives would have noticed and reported it, which they never did. I have seen a seal's flippers made sore by driving, but I never saw one that was seriously injured by driving. I do not believe that a male seal's powers of reproduction were ever effected by driving or redriving.

IMPROVEMENT OVER RUSSIAN METHODS OF TAKING.

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The methods used by the Alaska Commercial Company and the American Government for the care and preservation of the seals were much better than those *Kerrick Artomanoff, p. 99.* used by the Russian Government. In old Russian times we used to drive seals from Northeast Point to the village, a distance of nearly 13 miles, and we used to drive 5 or 6 miles from other hauling grounds; but when the Americans got the islands they soon after shortened all the drives to less than 3 miles.

From my observations and my inquiries of the natives, under conditions which were calculated to elicit only truthful replies, I ascertained that there had been no *J. Stanley Brown, p. 18.* change save for the better in the methods of driving or the handling of seals; that salt houses had been established at the more distant rookeries; that boats, horses, mules, and wagons had been employed to transport the skins; that by these improvements the length of the drives had been materially lessened, and that the time for taking the quota had been reduced from the Russian killing season of three or four months to about thirty days, thereby causing the minimum of disturbance even to the hauling grounds.

In addition to this the Alaska Commercial Company, as previously stated, had introduced far better facilities, such as boats, horses, mules, and carts, for transporting the *Chas. Bryant, p. 8.* skins, and improved methods of caring for them, which not only greatly reduced the labor required of the natives, but which, when aided by their improved physical condition and the increased number of the seals, enabled the company to take their full quota in thirty working days in 1877.

This alone enormously reduced the molestation of the seals on the hauling grounds, for in the old Russian days, as previously stated, the seals were driven and killed at all times during their presence on the island.

When I was a boy, before Americans came here, we used to drive from the rookeries at Northeast Point to the village killing grounds, a distance of 12 miles, and *Karp Buterin, p. 104.* from Halfway Point, a distance of 6 miles, and from Zapadnie, a distance of 5 miles. After the Americans came the drive from Northeast Point was stopped at once and a salt house was built at Northeast Point and the seals have been killed there ever since within about 2 miles of the hauling grounds.

In 1874 or 1875 the seals were killed within a mile of the hauling grounds at Zapadnie, and the skins have been taken ever since in boats across the bay to the village salt house. In 1879 a salt house was built at Halfway Point, and since then no seals have ever been driven on St. Paul Island more than 2 miles.

In 1879 the Alaska Commercial Company built a salt house about 2 miles from Halfway Point, and after that the seals were never driven more than 2 miles. Drives *Jac. Kotchooten, p. 131.* used to be brought from Zapadnie to the village, a distance of about 5 miles, until, in 1879, the Alaska Commercial

Company made a killing ground within a mile of the rookery, and had the skins taken across the bay in boats to the village salt house.

For the past thirteen years no seals have been driven a greater distance than about 2 miles, and most of the drives are not over 1 mile.

All long drives were stopped in 1879, when the Alaska Commercial Company made a killing ground and built a salt house within 2 miles of Halfway Point and made a killing ground within a mile of Zapadnie. Since these changes were made no seals have been driven on St. Paul Island over 2 miles to a killing ground.

That the killing of bachelors upon remote rookeries such as Zapadnie was not from necessity but at the request of the *H. H. McIntyre, p. 45.* Government agents, in order that the number taken from each hauling ground might be equalized; that this did not involve driving long distances, for a salt house was established at Zapadnie, and the skins brought away in boats; that after the year 1875 the lessees of said islands supplied carts for the transportation of skins from the killing grounds to the salt houses and storehouses; that because of the facility for carrying the skins, killing grounds were established at points much nearer the hauling grounds than ever before, and from that date the seals were driven much shorter distances to the killing grounds; that skins were so transported from Polavina or Halfway Point, on St. Paul, and from Zapadnie, on St. George, upon the backs of donkeys.

In 1871, for want of trained assistants the majority of the seals were killed under the supervision of native chiefs. We *H. H. McIntyre, p. 49.* had no teams and were poorly supplied with boats and other facilities for transporting the skins and doing the work. Salt houses were inconveniently located, and the business was transacted in a crude way, under great disadvantages. The skins and all other material upon the islands requiring to be moved were carried upon the backs of men, a wearisome and disagreeable task after a day's work on the killing grounds. The results were unsatisfactory. The catch obtained under the direction of the chiefs comprised mainly small, light skins, because such could be easiest secured and transported. The work progressed slowly, as it had always formerly done under Russian direction. Less than two-thirds of the quota of skins were obtained in June and July. During August we were prohibited by law at that time from killing seals. Work was resumed at a later date, and finished shortly before the seals migrated, thus keeping them in a state of unrest and commotion nearly the whole summer. But the custom did not differ in this respect from that pursued by the Russians. In 1872, and every year thereafter, an American "boss" was placed at the head of every gang of natives, our tools and salt houses were improved, supplies of salt for "kenching" skins increased, and the seal catch was pushed to completion before the end of July. Additional salt houses were erected in this and the two following years contiguous to the respective rookeries, in order to avoid long "drives" and facilitate the work of the men. In 1873 a horse and team of mules were taken to the island in furtherance of the same object, and these were added to from year to year, and supplemented by several boats and a steam launch, so that long before the expiration of the lease the labor put upon both seals and men was very greatly re-

duced. Under better management, the quality of the catch sent to market constantly improved. The skins averaged larger and more uniform in size than had been formerly secured.

Formerly it was customary to drive from Halfway Point and southwest Bay to the village grounds, but it was found to be less trying to the seals and better economy *H. H. McIntyre, p. 55.* of labor to kill nearer to these rookeries. Mule teams and boats on St. Paul and pack animals on St. George were accordingly supplied several years ago for transporting the skins from these more distant points, and the killing has since been conducted as near the rookeries as practicable.

Many improvements were introduced by the Americans upon Russian methods, more particularly in systematizing the work upon the slaughter grounds, in providing *H. H. McIntyre, p. 58.* convenient buildings in which to salt and bundle the skins, and in furnishing means for transporting them from the field to the salt houses and thence to the vessels; but the management of the rookeries as regards their preservation and growth has varied very little since 1835 or 1840, when the Russians awoke to the fact that all of the females and a proper proportion of the males should be spared.

In the Russian times, before 1868, the seals were always driven across the Island of St. Paul from North East Point to the village salt house—a distance of 12½ miles—*Anton Melovedoff, p. 142.* but when the Alaska Commercial Company leased the islands they stopped long driving and built salt houses near to the hauling grounds, so that by 1879 no seals were driven more than 2 miles.

Never since the islands have been American property has there been indiscriminate killing done upon them, nor has there been a desire on the part of anyone connected with them to injure or damage or waste seal life; on the contrary, everything has been done by the lessees, past and present, and by the United States, to foster and protect it, and to improve the methods of driving the seals, so that the herds might grow and thrive and increase, and perpetuate themselves indefinitely. Laws, rules, and regulations were made from time to time, prompted by experience, with a view to add to the value of the property, and to abolish everything that was not beneficial and in strict accord with the most humane principles. To this end all long drives were prohibited, and arrangements made by which the killing grounds have been brought as near the hauling grounds as is practicable without being injurious to the breeding rookeries.

Before the Alaska Commercial Company leased the seal islands in 1870, it was a common practice to drive seals from North East Point to the village on St. Paul Island, *J. C. Redpath, p. 150.* a distance of 12 miles, and from Zapadnie to the village on St. George Island, a distance of 6 miles, across a very rough and rugged country.

From Halfway Point and from Zapadnie on St. Paul Island, seals were driven, respectively, 5 and 6 miles.

When the Alaska Commercial Company took control of the islands the drive from North East Point was prohibited, and a salt house and

other necessary buildings erected within 2 miles of the killing ground, and all the skins taken there were salted and stored and shipped from North East Point. In 1879 a killing ground was made and a salt house built at Halfway Point, within 2 miles of the hauling grounds, and all skins taken at the Point are salted there. At Zapadnie, the same year, a killing ground was made within a mile of the hauling ground, and the skins taken there are taken to the village salt house in boats, or, when the weather is unfavorable, by team and wagon.

Since 1878 there has not been a drive made on St. Paul Island to exceed 2 miles. At Zapadnie, St. George, a salt house was built about 1875, and the 6-mile drive prohibited, and a trail made at great expense across the island, over which the skins are taken on pack-saddles to the Village. Since 1874 no seals have been driven on St. George Island to exceed 2½ miles.

At Northeast Point rookery, on St. Paul Island, the longest drive is 2 miles. In former times the Russians used to
Daniel Webster, p. 182. **drive from this rookery to St. Paul village, a distance of 12½ miles.**

KILLING.

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The work of killing was done under the general direction of the Superintendent of the Sealeries, who placed a *W. C. Allis, p. 97.* "boss," or leader, at the head of each gang of men. It was the business of the "boss" to divide his gang in proper proportions—into "killers," "rippers," and "skinners." The "killers" were generally the same men day after day through the season. They became very expert in the management of the drove and the use of the seal club, and very rarely made the mistake of hitting a seal that was not wanted.

The "boss" told his men in a general way what class of seals to kill, and worked with them. If they had any doubt whether a certain animal should be knocked down they appealed to him for explicit direction. The work thus went forward in a very systematic, orderly way.

In killing seals for their skins, the methods employed by the Russian Fur Company prior to American occupation were *H. H. McIntyre, p. 48.* closely followed, except that many innovations and improvements were instituted and adopted after the first year of the lease. The work was chiefly done by the natives, each gang of workmen being headed, as under Russian custom, by a native chief. All thoroughly understood the work, having been bred to it from boyhood.

Upon reaching the killing ground the herd was, in dry weather, placed upon moist ground and allowed to cool off.

When killing, if the herd collected upon the slaughter grounds was of considerable size, a portion of it was segregated and taken to the immediate vicinity of the workmen, the remainder being left at rest. This portion was again subdivided into "pods" of twenty-five to seventy-five animals and driven directly to the killing gang, generally comprising six or seven men, who with a single blow knocked senseless such

seals as they were directed by the "boss" to kill, and the remaining ones were driven aside and allowed to find their way back to the water at will, which they usually did shortly after being set at liberty.

The work of seal-killing is done by the Aleutian inhabitants of the seal islands under the immediate supervision of the superintendent for the lessees and his assistants. The natives are directed by their chiefs, who are either chosen by themselves or appointed by the Treasury agent in charge. The force of natives is divided into gangs of 20 to 30 men, each gang being led by an assistant superintendent and native chief, and comprises the proper number of "clubbers," "rippers," and "skimmers."

During the seal-killing season the men turned out to their work about 6 o'clock a. m. Each man in the gang is assigned by the chief to his appropriate part of the work. If the force comprises say twenty-two men, the most inefficient one will be designated as "herdsman" to watch the drove and keep it as near the workmen as practicable; five of the most active, athletic young men are detailed as "clubbers," of whom two are called "drivers," it being their duty to cut off from the drove small detachments or "pods," of from forty to seventy-five seals and drive them up to the killers. If the drove contains a considerable number of adult bulls, or the seals are tired, or the day warm and humid, the "drivers" have the most laborious part of the work. Next, one boy is detailed as "stabber," five as "flippers," and the remaining ten, those who are most expert in the use of their knives, as "skimmers."

The clubbers are each armed with a turned hickory club, 5 feet 2 inches long, of best, straight-grained wood, like an exaggerated baseball club, and a sharp pointed hook, similar to a stevedore's cargo hook, which he carries in his belt or boot leg. The stabbers and flippers have double-edged knives 6 or 7 inches long, and the skimmers ten or twelve inch single-edged blades; and each man a small, fine-grained oil stone, of which he makes very frequent use, finishing the sharpening process on his own palm or the seal's flipper, for the edges must be as keen as razors to effectually do the work.

If the drove contains more than a few hundred seals, a portion of it is cut off and brought to within about 75 or 100 feet of the place where the first "pod" is to be killed. The drivers step quickly along the flanks of the drove at several feet distant from it, and approach each other from opposite sides at a point to detach 50 or 60 animals. These are driven directly to the clubbers who have been previously instructed by the assistant superintendent what class of seals they are to kill and where they are to begin operations. At the word from the chief the blows fall in quick succession, a single blow upon the head of each seal designated being always sufficient to completely stun him, and usually to fracture his skull. Those remaining are carefully looked over by the assistant superintendent, such of the doubtful ones killed as he may direct, and the remaining ones driven to one side and allowed to return to the water at will; or, after a few hours, if any remain about the field, a boy is sent to head them toward the sea. The clubber's sharp hooks are now stuck into the noses or flippers of the fallen seals and they are dragged apart and laid singly as closely together as convenient for the skimmers. This is very necessary, because, if left in a heap as they are slain, the heat at points of contact quickly loosens the

fur and spoils the skin. The drivers now "run" to bring up the next "pod," the stabber thrusts his knife to the heart of the stunned animals and the flippers follow as soon as the seals are dead, to cut the skin around the head just in front of the ears, around the posterior extremity between the body and hind flippers, around the two fore flippers and down the median line of the belly. Next he is taken in hand by the Skinner, who quickly flays him with dexterous strokes of his long, keen-edged knife, leaving a considerable layer of blubber upon the skin to prevent its hardening and drying in the salting process. When it is desired to save the blubber as well as the skin, both are removed from the carcass together and flayed apart with skillful strokes of the knife.

The seal-killing is done in a very orderly, systematic manner, and the attendant waste is surprisingly small when done with skilled labor. Rarely an undesirable seal is hit by a clubber, and occasionally the sun will shine out unexpectedly and so heat the skins before they can be removed, as to loosen the fur and cause it to pull out, but the entire loss under judicious management amounts to only a few score of skins in a hundred thousand. An experienced force of 22 men can easily slaughter and properly cure the skins of an average of 1,500 seals per day through the season.

When the skin has been removed from the carcass it is thrown, flesh side down, upon the damp ground, and as soon thereafter as convenient hauled to the salt house, where each one is examined and counted, in the presence of the native chief, by the Treasury agent and the assistant superintendent, in order to determine when the number allowed by law has been taken and to form the basis for payment to the natives for their work.

Arrived at the killing grounds, the seals are driven out from the main body in "pods" of twenty or thirty at a time, and

L. A. Noyes, p. 82. **experienced men club and kill the desirable ones,**

and allow all that remain to return at their leisure to the adjacent waters. The most experienced men do the skinning, and after them come the women and children who carry off the carcasses for food, and the fat or blubber for winter fuel.

In accordance with instructions from the Department, the Treasury agent is always present at the killings, and he has full power and authority to interfere in all cases where there is cruelty practiced or attempted.

All seals killed by the lessees for skins are killed between June 1, and July 30, and generally the season closes on the 20th of July.

SALTING AND KENCHING.

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In the early days of the sealing industry it was always customary to dry the skins for market by stretching them upon

H. H. McIntyre, p. 57. **the ground by means of wooden pins driven through their edges or by the use of stakes and twine.**

But this process made the skin difficult to unhair in dressing, and, moreover, in the very damp climate of Alaska, it was often impossible to dry the skins thoroughly enough to prevent their decaying en route to market. Large numbers of skins were lost, I am informed, in this way, even after artificial heat was resorted to for drying them, and it was found most profitable to salt them and ship them in salt to market.

The salting is done in rows of bins called "kenches." Each skin is thrown to the man in the kench, who quickly spreads it, flesh side up, and a third shovels salt enough upon it to completely cover its surface. The next skin is spread in the same way above the first, and so on with alternate layers of skins and salt until the kench is full. Here they lie from five to seven days and are then shaken out, any curled edges are unrolled and salted, and the skins are folded with a small quantity of salt between the folds, and again piled to complete the curing process. A few days later they are once more pulled apart and spread out, sprinkled with a handful of salt and rolled and tied in compact, cylindrical bundles containing two skins each, flesh sides together. In this shape they are lightered from the warehouses to the vessel in the skin boats built by the natives, and shipped to San Francisco, where they are packed in casks holding from fifty to sixty skins each, and forwarded to London, via New York, by railroad and steamer.

The practice of salting the skins was followed to some extent by the Russians during the last few years prior to the cession of Alaska to the United States, and in nearly every particular the management of the sealeries by the Americans is the same as that pursued by the Russians during the last years of their occupation.

INCREASE.

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From the start I was employed by the Alaska Commercial Company and remained in their service until 1876, in charge of the companies' business on St. George Island. *GEO. R. ADAMS, p. 157.* In 1871 we took 25,000 seals on that island, and the regular quota each year thereafter. During the season of 1876 I was in charge of their business at St. Paul Island. We had no difficulty during my seven years' residence at the island in obtaining the full quota; nor could I discover at any time any diminution of the number of seals annually hauling up at the island. When the period arrived for their coming to land, the shore literally swarmed with seal life. * * * I observed a perceptible increase annually in the number of females arriving at the island, due, in my judgment, to the care exercised by those charged with their custody.

Good management upon the island increased the seal life for many successive years, and the same management continued, as I believe, to the present time. *W. C. ALLEN, p. 99.*

For the first few years I was on the islands the rookeries grew larger every year, and I was told by the natives and others that they had grown a good deal since the *John Armstrong, p. 1.* Americans first took them.

I have examined the breeding areas of 1870, indicated by H. H. McIntyre on charts A, B, C, D, E, F, and G, of St. Paul Island, and they are, to the best of my *Chas. Bryant, p. 3.* knowledge and belief, correct. I have also examined the areas of increase shown by him upon the same charts as applicable to the breeding rookeries in 1882, and they were proportionately correct in 1877, the last year of my stay upon the islands, the in-

crease up to that time having been about one-half of that shown by him. The above statement is true also, to the best of my knowledge and belief, of the breeding areas of 1870 and the increase of 1882, indicated by Thomas F. Morgan upon charts H, I, J, and K, of St. George.

From 1870 up to the time I left the islands in 1877, the females, of which I made as careful a calculation as is possible by measuring the areas covered by the breeding rookeries, increased from 4 to 5 per cent annually. * * * The increase in female life was readily determined by noticing annually the lines of demarkation of the breeding grounds among the rocks, and also from the fact that many lanes through the breeding rookeries to the hauling grounds, left by the old males for the use of the bachelors, which existed in 1870, were entirely closed up by the breeders in 1877, and the bachelors were compelled to haul out on the sand beaches. Another proof of this increase was the fact that in 1870 the breeding seals confined themselves to the shores covered with broken rocks, but in 1877 the areas had increased to such an extent that a considerable percentage of the breeding seals extended out onto the sand beaches, which before they had carefully avoided, for reasons I have heretofore stated.

In the month of [—] of that year I was in the Bering Sea and at the seal islands of St. Paul and St. George. I W. C. Coulson, p. 414. went on shore on both islands and observed the seals and seal life, the method of killing, etc. I noticed particularly the great number of seal, which were estimated by those competent to judge that at least 5,000,000, and possibly 6,000,000, were in sight on the different rookeries. To me it seemed as though the hillsides and hauling grounds were literally alive, so great was the number of seals. At St. George Island, though the seals were never in as great numbers, nor were there so many hauling places, the seals were very plentiful. At this time and for several years thereafter pelagic sealing did not take place to any extent and the animals were not diverted from their usual paths of travel.

In 1880 I found the rookeries full, and in my opinion there were as many seals on the islands as at any time during W. H. Dall, p. 23. my experience.

I have myself observed, and have so learned from others, that for the last ten or fifteen years there were more seals James H. Douglass, p. 420. at the islands than there were twenty-two years ago when I first visited the Pribilof Islands; an increase due, without doubt, to the very careful protection and fostering of the seal herds afforded by the Alaska Commercial Company, then lessee of the islands.

Each season while I was located at the islands I made a careful examination of the breeding grounds on St. George Samuel Falooner, p. 161. Island, noting particularly the areas covered by them. The result of my observations was that there was marked increase in these areas from 1871 to 1876, and necessarily a corresponding increase in seal-life, for, no matter whether the seals are few or many in number, they always crowd together on the breeding grounds as closely as possible. In my judgment this increase

was fully 25 per cent. One fact alone proved conclusively that there had been a considerable increase, for in 1871 I noticed passages left by the old bulls through the breeding grounds for the bachelors to pass to and from the hauling grounds located back of the breeding grounds. In subsequent years these passages were entirely blocked up by the breeders. There was always during these six years an excess of adult, vigorous bulls, for breeding purposes, and large numbers of these hauled up back of and about the breeding grounds awaiting an opportunity to take the place of some wounded or aged bull unable longer to maintain a harem.

Each season while I was located on the islands I made a careful examination of the breeding grounds on St. George Island, noting particularly the areas covered by *Samuel Falooner, p. 167.* them; and I now recollect the condition of said rookeries and the approximate area which each of them covered in the year 1874. I have carefully examined the lines drawn by Thomas F. Morgan on exhibits signed by him and marked exhibits H, I, J, and K; that the lines in red on said exhibits practically represent the areas so covered in 1874; but I think that in some instances, hereafter stated, Mr. Morgan has been a little too conservative in his estimates.

On Starry Arteal Rookery (Exhibit H) the line should be extended along the shore to the eastern limit of the pond, shown on said exhibit, and should extend nearly as far again up the hillside.

On North Rookery (Exhibit J) the line does not, in my judgment, extend as far back from the shore as it should, as there had been a great increase since 1871 on this particular rookery.

I would further state that there was a perceptible increase in all these areas from 1871 to 1874.

I would also state that the spaces indicated as areas over which seals have at various times hauled, on said exhibits, by J. Stanley Brown (as I am informed and believe), are, to the best of my knowledge and belief, correctly designated.

At the time of my employment at the island, everything about the seal rookeries and sealing industry appeared to be in a highly prosperous condition. There was *H. V. Fletcher, p. 105.* no lack of seals. The rookeries were said by all the natives and residents to be as large and full as they had ever been, and the lessees got their full number of skins allowed by law within the usual time, all of good marketable sizes, from such sized animals as the employés were told to kill, and had a large surplus left each year for breeders.

From the time I settled here in 1869 until 1882 or 1883, there was no trouble at all in taking 85,000 seals on St. Paul Island between June 1 and July 30, and we often *John Fratis, p. 107.* got that number by July 20.

There has been no change in the manner of conducting the business ashore, but there has been added the open-sea hunting industry in the waters surrounding the *W. S. Hereford, p. 33.* rookeries, and which industry, as is well known, has rapidly increased since 1884, until now it has assumed grand proportions.

The best methods of managing seal rookeries are as well understood and as carefully practiced as any other branch of *C. F. Emil Krebs, p. 198.* husbandry, and the same methods have been pursued with such excellent results through a long series of years that there can be no doubt about their correctness.

From 1870 to about 1884 the seal rookeries were *Aggoet Kushen, p. 128.* always filled out to their limits, and sometimes beyond them.

That while located on the Pribilof Islands I was the greater part of that period upon the island of St. Paul; that during *H. H. McIntyre, p. 44.* the twenty-one years upon the islands I examined at frequent intervals of time the breeding rookeries on said island of St. Paul, and now recollect the condition of said rookeries and the approximate area which each of them covered at different times during my experience on said islands; that I have indicated to the best of my recollection the grounds covered by said rookeries in the year 1870 by a red line, and the grounds so covered in the year 1882 by a blue line, on the exhibits signed by me and marked exhibits A, B, C, D, E, F, and G. That the grounds indicated by said lines are practically correct and represent approximately the areas covered by breeding seals on said rookeries in said years of 1870 and 1882.

I further depose and say I have examined the charts of said St. Paul Island, made, as I am informed and believe, by J. Stanley Brown; that to the best of my knowledge the spaces represented on said charts, as grounds over which the bachelor seals have hauled at various times during my experience, are practically correct.

That from the year 1870 there was an expansion of the areas of the breeding grounds, and that in the year 1882 they *H. H. McIntyre, p. 45.* were as large as at any time during my acquaintance with them.

This number 100,000 was easily secured every year from 1871 to 1885, and at the same time a constant increase of the seal *H. H. McIntyre, p. 48.* rookeries was observed. I am satisfied that with good management upon the islands, and the cessation of pelagic sealing, this number could have been secured annually up to this time, and for an indefinite future.

During the whole period of seventeen years from 1868 to 1885, no difficulty was experienced in obtaining the full *H. H. McIntyre, p. 50.* quota of 100,000 well selected, marketable skins. I know this to be a fact during all these years, up to and including 1882, from personal observation and experience continued from day to day, in actively managing the business, and am assured by the daily record kept by my assistants, and by their reports to me from time to time, that they were equally successful in seasonably obtaining a desirable catch from 1883 to 1885, inclusive, while I was away from the islands. The work was not completed as early in the seasons from 1880 to 1885 as it had formerly been. This was chiefly due to the greater care exercised in selecting animals to be killed. In order that the selection should be made from as large a number as possible, and to satisfy the requirements of the Treasury agents in charge, who demanded that all the rookeries be worked in regular

rotation, we commenced in 1879 or 1880 to "drive" with greater frequency from the more distant and less accessible grounds. These distant animals were not, however, driven to the village killing grounds, as has been represented, but were slaughtered as near the rookeries as seemed prudent with regard to the welfare of the breeding seals, and the skins were transported in wagons or boats to the salt houses. With this exception, there was no change in the manner of conducting the business from 1870 to 1889.

From 1869 to 1882 the seal rookeries largely increased. I know this from accurate personal observation, and reported relative to it to the Alaska Commercial Company July 16, 1889, as follows: "The breeding rookeries from the beginning of the lease until 1882 or 1883 were, I believe, constantly increasing in area and population, and my observations in this direction are in accordance with those of Mr. Morgan, Mr. Webster, and others who have been with me for many years in your service, and of Special Treasury Agent J. M. Morton, who was on the islands from 1870 to 1880. Even as late as 1885 Special Treasury Agent Tingle reported a further increase of breeding seals; but his estimates were made in comparison with those of Prof. H. W. Elliott of 1872 and 1873, and he was probably not fully aware of the fact that the increase had occurred prior to 1883, and that in 1885 there was already perhaps a slight diminution of breeders."

Under personal instructions from the late Senator John F. Miller, then president of the Alaska Commercial Company, I commenced shortly after my arrival upon the island a series of observations in order to determine as nearly as practicable the area of ground occupied by the seals, and incidentally their number, approximately, during the season of 1871 for the purpose of noting the changes which might occur from year to year. To this end, in the year 1871, I carefully noted the position of the seals on breeding rookeries and upon the several hauling grounds where old, young, and middle-aged seals were congregated, and by definitely marking the points reached was enabled, after the animals had migrated in the autumn, to carry forward a survey of the island as a whole, and on the plat or map resulting from said survey was designated accurately the ground occupied by the seals.

The work of survey was carried on as rapidly as possible, and I was enabled from the observations so made to make a chart or map having upon it bearings and distances, the whole of which were verified by Lieut. Washburn Maynard, of the U. S. Navy, slight differences in our measurements and observations only being noted.

Owing to the fact that President Miller took occasion to impress upon me the necessity of exercising the greatest care in complying strictly with all the requirements of the lease, and that careful attention to the preservation of the seal life should under all circumstances be regarded as of first importance, and to this end the most careful study of the habits of the animals should be made at the outset, and continued from year to year in order to determine what effect the killing of a definite number might have upon the seals as to increase or diminution, I took more than ordinary care in noting the area of ground occupied each year by the different classes of seals, and it was evident that during the years 1871 to 1881 inclusive there was a steady increase in seals of all kinds.

As my observations extended over a period of time sufficient for the growth and full development of individuals I was enabled to determine with a greater degree of accuracy the effect of the operations of the company generally, as well as to follow specifically to result, various matters of detail, all of which were based upon the experience and methods of the Russian American Company as practically known to captain Niebaum, general manager of the business of the lessees, and to the chiefs and other permanent residents of the islands.

Grounds occupied by the seals as "breeding rookeries" or "hauling grounds" are filled with a degree of uniformity each year; hence the area occupied is a very sure criterion in estimating numbers, whether of "bulls" or females with their young, or young males, or of mixed young (yearlings) of both sexes, and the fact of there being a constant increase as above mentioned was fully established by the constant enlargement, year after year, of the space so filled.

To myself, as having the interest of my employer at heart, the healthful condition of the "rookeries" and their constant expansion was a source of gratification in all respects, and especially as in full evidence that the business was conducted on correct principles. Of this I am fully convinced, and were I to have occasion to assume control of the seal interest (outside destruction being prevented), I should most assuredly follow the precedent established by the Alaska Commercial Company during the first ten years of its lease of the islands.

The area of "rookeries" constantly expanding was filled with animals evidently healthy and strong; vigorous males were in abundance, as shown by the increase of young, and by the fact that the number of barren females was not increased. Superannuated males were found as usual, but during the time of my residence no unusual lack of health or vigor was seen among the seals of whatever class or age.

When our lease of the Commander Islands took effect in 1870, the annual catch of seals would not exceed 15,000 John Malovansky, p. without injury to the herd. There was no maximum limit in our lease as to the number we were allowed to kill, but under the method adopted by the company in taking seals, only young males with merchantable-sized skins were killed. Under this system the seals increased so rapidly that in 1887 we had no trouble in obtaining 45,000 skins per annum without injury to the herd.

It is an actual fact beyond dispute that female seals were much more numerous on the islands in 1883 than they were John Malovansky, p. in 1870. The increase was gradual each year and 199 (Commander Islands). was so marked that the natives often spoke of it to me.

That during the years 1868 and 1869, and from May to July, 1874, I was located on St. Paul Island, and also from T. F. Morgan, p. 59. July, 1882, to May, 1883; that during the remainder of the time I was upon said islands I was resident on St. George Island; that during my residence on said islands I examined frequently the breeding rookeries on the island where I

then was located, and now recollect the condition of said rookeries, and the approximate area which each of them covered at different times during my experience on said islands; that I have carefully examined the lines drawn by H. H. McIntyre on exhibits signed by him and marked Exhibits A, B, C, D, E, F, and G, indicating the grounds covered by said rookeries on St. Paul Island in the year 1870 and the year 1882, and that the red line shows the approximate area so covered in 1869, and the blue line the approximate area so covered in 1882; that I have indicated to the best of my recollection the grounds covered by breeding rookeries on St. George Island in the year 1874, by a red line, and the grounds so covered in the year 1884 by a blue line, on the exhibits signed by me and marked Exhibits H, I, J, and K; that the grounds so indicated are practically correct and represent approximately the area covered by breeding seals on said St. George Island in said years of 1874 and 1884.

I further depose and say I have examined the charts of said St. Paul and St. George islands, made as I am informed and believe by J. Stanley Brown; that to the best of my knowledge the spaces represented on said charts as grounds over which the bachelor seals have hauled at various times during my experience are practically correct.

I may state that the sum of my observations in the above relation on the Pribilof Islands at the close of the season of 1878 clearly indicated that since 1870 the rookeries had increased in an appreciable manner, and

Jno. M. Morton, p. 68.

I may add that such was the opinion of everybody on the islands who had given the subject any careful study. During the years I have mentioned, to wit, from 1870 to 1878 inclusive, the stock of killable seals was always more than sufficient to meet the annual demands made upon it by the lessees and still leave in reserve a proper supply of males for future use on the rookeries.

I have already stated that my personal observation and investigation of the conditions at the islands from 1870 to 1878, inclusive, showed that during those years a steady expansion of the breeding rookeries took place.

J. M. Morton, p. 69.
I am also informed and believe that such expansion continued up to the year 1882 or 1883. During this period of general increase it is notable that the destruction of animals from pelagic sealing was comparatively unimportant. But a few vessels up to this time had made predatory excursions in Bering Sea, and the number of seals obtained by them is known to have been small.

While I was on St. George Island there was a perceptible increase in the number of seals, there being more in 1881 than at any time previous while I was there.

J. H. Moulton, p. 71.

When the Alaska Commercial Company obtained the lease in 1870, of the right to take seals for their skins, I instructed the superintendent and agents of the company in regard to the way in which the work had been done, and outlined to them the policy to be pursued in the future. The lease of the Alaska Commercial Company had twenty years to run, and it was for our interests that the very best methods should be adopted for managing not only the "bachelors," then ready for slaughter, but also the breeding herds upon which the future of our

business depended. To this end I directed our superintendent of the sealeries to observe the greatest care in driving, handling, and killing the seals, cautioning him to allow nothing to be done that would in any way tend to alarm or disturb them, or in the least degree interfere with their already well-known orderly, regular habits of breeding and migration.

The instructions were explicit that no females should be killed, and, further, that bulls enough of mature age should be preserved to serve them. In order to see that these instructions were followed and the business put upon what I confidently believed to be the right basis, I visited the islands in 1871 and 1872 and again in 1877, and was more than satisfied with the result of my investigations. The work was being carried on at these times in a highly systematic, orderly manner, showing great improvements over the way of doing it under Russian régime, and the result of good management showed itself on every hand. The breeding rookeries had largely expanded in 1877 over the limits of 1869, as I personally observed and as I was informed by the Treasury agent in charge, by our superintendent, and by the native chiefs. The natives were enthusiastic in their praise of the American way of doing business and conducting sealing, as compared with what they had been accustomed to in former years.

Yet it required no very deep study nor occult knowledge to bring about the healthy growth of the seal rookeries. It was simply needed to treat them as our ordinary domestic animals are treated to produce the same result. The seals are polygamous, as our horses, cattle, and sheep are, and the best methods of breeding these is equally advantageous when applied to the seals. It is an indisputable fact, and known to the most ordinary breeder of domestic animals, that any surplus of males is a positive injury, and results in a progeny inferior in size, quality, and numbers produced. The fierce struggles of the surplus male seals to gain a foothold on the breeding grounds create great disorder and commotion, and often end in crushing the pups, and sometimes even in killing the mothers. This was so well understood by the Russians that, long before the cession of Alaska, they ordered the slaughter, we are told by Veniaminof, of the superannuated males, in order to clear the way for vigorous stock. They succeeded by this intelligent course in bringing up the rookeries from their depleted condition of about 1840, consequent upon the bad management of prior years and the unpropitious season of 1835, when the ice nearly annihilated the seal life, to the productiveness in which we found them in 1868. We continued the same system, with slight modifications, and had every reason, up to 1882, to expect to be able to return the property to the United States at the expiration of our lease in better condition than when we received it. But a force was already gaining momentum long before we noticed any serious disturbance of the herd on the islands that was destined to disappoint our expectations, and, if not checked, to utterly destroy the commercial value of the sealeries.

I have shown that under good management the seals increase on the Pribilof group, and know such to be the fact; *Gustave Niebaum, p. 79.* also in regard to the Commander Islands. The methods were the same in the two places, but the Asiatic herd was not seriously molested at sea until 1890, and the increase continued up to that date. Now, pelagic hunting is going on there the same as in the Alaska waters, and already the herd is diminishing as did the Pribilof herd from the same cause several years earlier. The

same good management, upon cessation of marine killing, will rapidly augment both herds again, for no animals are more susceptible to good treatment in breeding than these. Their marine enemies, aside from man, are a constant factor of destruction in disregard of which they multiply.

In all these years seals of all classes were present at the islands in vast numbers, so that the annual catch of 100,000 skins, 80,000 on St. Paul and 20,000 on St. George, *H. G. O'sullivan, p. 85.* was taken with great ease and facility, the killing season proper extending over a period of only about forty-five days in each year, and the actual working days being only from thirty-two to thirty-five in each year.

During my term of service at the islands I made careful and elaborate reports each year to the Secretary of the Treasury. In one of these reports, dated July 30, 1881, I embodied a compilation from the official records covering a period from 1871 to 1881, with the object of showing the relative abundance of the seal life during those years. The table was preceded in my report by the following explanatory language: "The following table, covering a period of eleven years, shows: (1) The number of seal-skins taken in each sealing season proper on St. Paul's Island; (2) the number of days expended in the work; (3) the number of sealers engaged; (4) the average number of skins taken per day; and (5) the average daily catch per man engaged; and it is confidently submitted as the most solid ground we have to stand upon in attempting an answer to the inquiry, 'Are the fur-seals of Alaska increasing or diminishing in numbers?'"

Briefly summarized, the table shows that the working days for sealing proper were reduced from 55 in 1871 to 35 in 1881; that the average daily catch was increased from 1,375 in 1871 to 2,158 in 1881, and that the daily average catch per man employed was increased from 21 in 1871 to 32 in 1881.

The plain lesson taught by these figures and comparisons is that the vast increase in the seal life due to the proper and adequate protection of the rookeries and of the waters adjacent thereto made it possible for lessees to take the full quota of 100,000 skins in a very short period of from thirty-three to thirty-five working days. In truth, so abundant were the seals during these years that after the close of the sealing season, about July 20, when the entire number of 100,000 skins had been taken, the rookeries and hauling grounds still held a vast population of these animals and it required an expert to perceive the fact that they had been depleted at all.

During those years the sealing season commenced about June 1st to 4th and closed invariably before the 20th of July, so that the disturbance to the herd was confined to the shortest possible period of time and reduced to the minimum. The effect of this was of course most excellent. In addition to which fact the skins were always in prime condition during that period; whereas, later on, the "stagey" season commences, when the skins are inferior and not marketable.

The conspicuous fact most apparent to me during all those years was that by the enforcement of the wise laws enacted by Congress early after the acquisition of Alaska, this precious animal life could be and was protected and preserved in the fullest measure, and that being so protected the natural increase of the herds more than offset the annual killing, great as it was. * * *

Another practical proof of the fact that the seals were generally increasing during those years on St. Paul's Island
H. G. Otis, p. 87. was found in the fact that a large overplus found

their way to the Island of Otter, a small island about six miles away, and not included in the Alaska Commercial Company's lease. Otter was not a breeding island, but a loafing and resting place for the "bachelor" seals, which congregated there to the number of several thousands during the season. I noted the movement with care, and believed then that with due protection the island would in time have become a breeding island like the others, only to a lesser extent. My views and observations in regard to Otter Island were set out in a special report to the Secretary of the Treasury, dated April 1, 1882. * * *

In the plethoric condition of the rookeries during the period of my service at the islands, and with the vast numbers of seals of all kinds, there was not any difficulty about the matter of either food seals or the taking of seal skins for commercial purposes. Stringency could only arise by the general destruction of the seal life which has taken place in recent years.

From 1875 to 1883 it was no uncommon thing for the lessees to take the annual quota of 100,000 skins between June 1 and July 20, and yet there was no sign of any decrease, but rather an expansion of most of the rookeries.
J. C. Redpath, p. 151.

From carefully observing the grounds formerly occupied by breeding seals, as pointed out to me by the natives, and
W. B. Taylor, p. 176. from statements made me by those on the island, I believe there were more seals on the islands in 1881 than in any year previous to that time.

I am satisfied from my observations that the breeding grounds on St. George covered greater areas in 1884 than in
George Wardman, p. 178. 1881, and that seal life materially increased between those dates; and this fact was verified by all the natives on the island. In fact there was no disagreement by anyone located on the islands as to that point. I am further satisfied that during this time there was always a sufficient number of males to fertilize the cows on the rookeries; otherwise there could have been no increase in the breeding grounds.

From year to year, when I was at St. Paul, the number of seals increased, and the increase was constant. This I
S. M. Washburn, p. 155. know from my own careful observation of the herds and rookeries, and I estimate the number of seals at St. Paul, in 1877, at 5 to 10 per cent, at least, greater than the first season I was there (1874).

The number of nonbreeding males of suitable age and body for killing was in each year largely in excess of the number permitted to be killed by the lease, and was plainly large enough to replenish in due time the stock of breeding males in such numbers that the entire herd was enlarged from year to year by a gradual and healthy increase. These facts observed by me were also noted by the natives and other residents, and were the cause of rejoicing and congratulation among them.

My observation has been that there was an expansion of the rookeries from 1870 up to at least, 1879, which fact I attribute to the carefnl management of the Islands *Danl. Webster, p. 181.* by the United States Government.

Twenty-four years of my life has been devoted to the sealing industry in all of its details as it is pursued upon the Pribilof Islands, and it is but natural that I should become deeply interested in the subject of seal life. My experience has been practical rather than theoretical. I have seen the herds grow and multiply under careful management until their numbers were millions, as was the case in 1880.

DECREASE OF THE ALASKAN SEAL HERD.

EVIDENCE OF DECREASE.

PERIOD OF STAGNATION.

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After 1882 they seemed to stay about the same, as far as the number of breeders was concerned, as long as I was there. *Jno. Armstrong, p. 1.*

I ascertained by questioning those who had had years of continuous experience with the seals that up to the year 1882 there was an annual expansion of the boundaries of the breeding grounds; that this was followed by a period of stagnation, which in turn was followed by a marked decadence from about 1885-'86 down to the present time.

I am unable to state whether the seals increased or not during my residence on St. Paul, but they certainly did not decrease, except perhaps there was a slight decrease in 1884. In all my conversations with the natives, which were, of course, a great many, they never spoke of the seals being on the decrease, as they certainly would have done if such had been the case. *H. A. Glidden, p. 109.*

While on St. Paul Island I do not think the number of seals increased, and in the last year (1884) I think there was a slight decrease. *J. H. Moulton, p. 71.*

Upon the Commander Islands, as I have already said, the increase in seal life was constant for many years, but in 1890 we noticed a decided disturbance in the rookeries and a considerable decrease in their population. This we subsequently attributed, when the facts were ascertained, to pelagic sealing in the adjacent waters. *Gustave Niebaum, p. 203.*

I noticed during this period no perceptible increase in the breeding rookeries on St. George. *B. F. Scribner, p. 89.*

ON PRIBELOF ISLANDS.

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In 1882 there was no scarcity of killable seals. The men drove up as many every day as they could handle, and those selected for killing comprised only the choicest ones. *W. C. Allis, p. 98.*

There seemed to be also a large surplus of full-grown bulls for rookery service, and enough escaped from the slaughter ground to keep the number good as the old ones passed the age of usefulness. I do not believe the condition of the rookeries nor the manner of driving and killing the seals at this time could have been improved. It was perfect in every respect, and the lessees, employés, and natives, as well as the seals, all appeared to be and were, I believe, contented and happy.

In 1886 the conditions had somewhat changed. The natives complained that big seals were growing scarcer, that there were many dead pups on the rookeries, and the superintendent intimated to me that he did not like the outlook as compared with a few years previous, and said he thought either the number killed or the size of the animals taken for their skins would have to be reduced if things did not improve. Still we had no particular scarcity of killable seals, and the work went on as during my first year (1882) in the service.

But the trouble of which they complained grew more serious in the following years, and I think it was in 1888 the superintendent told the "bosses" they must kill less large seals and more "yellow bellies," or 2-year olds. In 1889 a very large proportion of the catch was made up of this class.

It was then perfectly apparent to everybody, myself included, that the rookeries were "going to the bad," and that a smaller number must inevitably be killed the following year.

Report of American Commissioners, p. 340 of "Case." The aggregate size of the areas formerly occupied is at least four times as great as that of the present rookeries.

I have noticed a great decrease in the numbers of the fur-seals since 1887, both on the rookeries of St. Paul Island, *C. H. Anderson, p. 205.* which are much shrunken, in the area covered by seals, and in the waters of the Pacific and Bering Sea. On the rookeries, ground formerly hauled over by seals is now grown up with a scattering vegetation of recent growth.

The skins taken prior to 1886 weighed from 6 to 10 pounds each, averaging about 8 pounds per skin; but I understand from those who remained there on duty that much smaller ones were afterwards taken, because the large seals had become scarce and were needed for rookery service.

From 1870 to 1884 the seals were swarming on the hauling grounds and the rookeries, and for many years they spread out more and more. All of a sudden, in 1884, we noticed there was not so many seals, and they have been decreasing very rapidly ever since.

Johnny Baronovitch, p. 278. There are not nearly as many seal on the coast as there was two or three years ago.

There are certain physical as well as historical sources of information upon the island from which the relation of the *J. Stanley Brown, p. 17.* present to the past condition of the rookeries can be very clearly made out.

I. Not only upon, but immediately to the rear of, the area at present occupied by the breeding seals occur fragments of basalt whose angles have been rounded and polished by the flippers of seals. Among these latter rocks grass is found growing to an extent proportionate to their distances from the present breeding grounds, and further the soil shows no recent disturbance by the seals. This rounding of the boulders of the abandoned areas was not due to the impingement of sand grass driven by the wind. No geologist would be willing to risk his reputation by asserting that this rounding came from any such agency. The distinction between the result of sand-blast action and seals' flippers is very marked.

II. A careful examination among the roots of the grass will often show the former presence of seal by the peculiar appearance of the soil, due to the excrements of the seal and the occurrence of a thin mat of seal hair. The attention of Dr. George M. Dawson was called to such a felt of hair upon the summit of Hutchinson Hill, and both he and Dr. C. Hart Merriam collected specimens of it from among the grass roots at that locality.

III. At the rear of the rookeries there is usually an area of mixed vegetation—an area the boundary of which is sharply defined, and between which and the present breeding grounds occurs a zone of grass of only a single variety. In the immediate vicinity of the present breeding grounds only scanty bunches are to be seen. These gradually coalesce as the line of mixed vegetation is approached. The explanation of this is that the seals were formerly so abundant as to destroy the normal mixed vegetation at the rear of the breeding grounds, and that the decrease of the seals has been followed by the encroachment of the uniform variety of grass.

IV. The statements made to me by competent observers who have lived upon the islands for years all agree that the shrinkage in the breeding area has been rapid during the past five or six years.

After observing the habits of seals for a season, I unhesitatingly assert that to satisfactorily account for the disturbance to vegetable life over areas whose extent is visible even to the most careless and prejudiced of observers would require the presence of from two to three times the amount of seal life which is now to be found upon the islands.

That there has been enormous decrease in the seals there can be no question.

Have observed carefully the areas occupied by the seals on the rookeries and hauling-out grounds, especially at North-east Point and the reef on St. Paul Island, in 1884, 1885, 1886, and 1891, and on both rookeries the areas formerly occupied by seals have greatly decreased, so much so that at first appearance, it seemed, in 1891, as if the hauling-out grounds had been entirely deserted. Subsequent examination disclosed the fact that this was not strictly true, there still being a small number of male seals left on those grounds. Have also observed that the seals are much more scattered on the breeding rookeries than in former years (1884, 1885, 1886); also that the number of seals in the water has proportionately decreased, and that they have grown very much more shy and difficult to approach. Without presuming to be absolutely correct, would estimate the number of seals present at St. Paul Island during the year 1891 to about 10 per cent of the number there in former years of observation (1884, 1885, and 1886).

I did not notice any falling off in the size of the "rookeries" from the landmarks to which they came when I first saw *Harry N. Clark, p. 159.* them during the first two years I was on the island, and all agreed, in discussing the matter, that the seals had never been more numerous than they then were; but in the following years, and particularly in 1888 and 1889, no other opinion was heard than that the animals had very greatly diminished, and in this opinion I fully coincided.

During the seasons of 1890 and 1891 I was in command of the revenue cutter *Rush* in Bering Sea, and cruised extensively in those waters around the seal islands and the Aleutian group. In the season of 1890 I visited the islands of St. Paul and St. George in the months of July, August, and September, and had ample and frequent opportunities of observing the seal life as compared with 1870. I was astonished at the reduced numbers of seals and the extent of bare ground on the rookeries in 1890 as compared with that of 1870, and which in that year was teeming with seal life. In 1890 the North American Commercial Company were unable to kill seals of suitable size to make their quota of 60,000 allowed by their lease, and, in my opinion, had they been permitted to take 50,000 in 1891, they could not have secured that number if they had killed every bachelor seal with a merchantable skin on both islands, so great was the diminution in the number of animals found there.

I arrived with my command at St. Paul Island June 7, 1891. At that date very few seals had arrived, and but a small number had been killed for fresh food. On the 12th of June, 1891, we were at St. George Island and found a few seals had been taken there, also for food, the number of seals arriving not being enough to warrant the killing any great number. During that year I was at and around both these islands every month from and including June until the 1st day of December (excepting October), and at no time were there as many seals in sight as in 1890. I assert this from actual observation, and it is my opinion we will find less this year.

During my annual cruising in Bering Sea and to and from the Pribilof Islands I have carefully noted the number and *Leander Cox, p. 416.* appearance of seals in the water and on the breeding rookeries from the deck of my vessel and have also repeatedly visited the hauling grounds from year to year, and it was about 1884 and 1885 that bare spots began to appear on the rookeries, so much so that myself and the other officers often spoke of it and discussed the causes therefor.

The decrease in number of seals both on the Pribilof Islands and in the waters of the Bering Sea and North Pacific has been very rapid since 1885, especially so in the last three or four years, and it is my opinion that there is not now more than one-third of the number of seals in these waters and on the islands that there were ten years ago.

During my last visits to the islands I observed a very marked diminution in the number of seals thereon as *Jas. H. Douglass, p. 419.* trusted with the herd seen on the rookeries five or six years previously. I am familiar with the area and topography of the various rookeries on the islands, and have observed that spaces formerly occupied by seal herds are now vacant and

parts of them covered with grass. This diminution was particularly noticeable in 1887 and 1888, the last two years of my visit to the islands.

For many years prior to 1890 I have observed the rookeries from my ship and also from the islands. The first decrease in the number appearing on the rookeries and in the surrounding sea that I particularly noticed was in the summer of 1884, and it has become more marked from year to year since. For the last three or four years their disappearance has been very marked. In October, 1890, I made a trip from Unalaska to St. Michaels. When about 20 miles south of St. George we commenced to watch for seals passing the Zapadnie rookery close inshore, along the west end of St. George Island to Otter Island and Seal Island rock: thence to Northeast Point, about a mile and a half offshore.

When we started I requested the officers to keep a sharp lookout and to report if they saw any seals in the water. I was on deck most of the time myself also, and we only saw 2 seals in the whole run, whereas ten years ago, when on a similar voyage, seals were so plentiful that it was impossible to count them. From my long observation I do not think there are as many seals by two-thirds now annually arriving on the islands or in those waters as there were ten years ago, when I first commenced to notice that they were decreasing. By this statement I mean to say that only one-third as many are now to be seen as formerly.

Seals have decreased in numbers very rapidly in the last few years, and to anyone who saw the breeding rookeries, as I did, in 1880, the change is most wonderful.

C. L. Fowler, p. 25.

It was on the breeding rookeries and among the cows that I first began to notice the decrease in seal life, and I do not think there was more than one-fourth as many cows on the breeding rookeries in 1891 that there was in 1887.

I have been a resident of the seal islands for the past ten years; formerly assistant agent of the Alaska Commercial Company, now agent of the North American Company, and during that time have been engaged in the taking of seals. I have listened to the testimony of J. C. Redpath as above, and fully concur in all that he has said concerning seal life, with the exception that the number of seals on the islands this season are, in my judgment, not more than one-fourth of what they were in 1887.

In those days [from 1869 to 1882 or 1883] we used to get plenty of seals on the Zoltoi sands near the Reef rookery, and now there are none there.

It was in 1884 that I first noticed a decrease in the seals, and it has been a steady and a very rapid decrease ever since 1886, so that at present there is not one-quarter as many seals on the island as there was every year from 1869 to 1883.

In 1889 I made careful observations of the rookeries on St. Paul Island and marked out the areas covered by the breeding grounds; in 1890 I examined these lines made by me the former year and found a very great shrinkage in the spaces covered by breeding seals.

Jno. Fratto, p. 107.
Chas. J. Goff, p. 111.
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In 1889 it was quite difficult for the lessees to obtain their full quota of 100,000 skins; so difficult was it, in fact, that in order to turn off a sufficient number of four and five years old males from the hauling grounds for breeding purposes in the future, the lessees were compelled to take about 50,000 skins of seals of one or two years of age. I at once reported this fact to the Secretary of the Treasury, and advised the taking of a less number of skins the following year. Pursuant to such report the Government fixed upon the number to be taken as 60,000, and further ordered that all killing of seals upon the islands should stop after the 20th day of July. I was further ordered that I should notify the natives upon the Aleutian Islands that all killing of seals while coming from or going to the seal islands was prohibited. These rules and regulations went into effect in 1890, and pursuant thereto I posted notices for the natives at various points along the Aleutian chain, and saw that the orders in relation to the time of killing and number allowed to be killed were executed upon the islands. As a result of the enforcement of these regulations, the lessees were unable to take more than 21,238 seals of the killable age of from 1 to 5 years during the season of 1890, so great had been the decrease of seal life in one year, and it would have been impossible to obtain 60,000 skins even if the time had been unrestricted.

The Table A* appended to this affidavit shows how great had been the decrease on St. Paul Islands hauling grounds, *Chas. J. Goff, p. 112.* bearing in mind the fact that the driving and killing was done by the same persons as in former years, and was as diligently carried on, the weather being as favorable as in 1889 for seal-driving. I believe that the sole cause of the decrease is pelagic sealing, which from reliable information I understand to have increased greatly since 1884 or 1885. Another fact I have gained from reliable sources is that the great majority of the seals taken in the open sea are pregnant females or females in milk. It is an unquestionable fact that the killing of these females destroys the pups they are carrying or nursing. The result is that this destruction of pups takes about equally from the male and female increase of the herd, and when so many male pups are killed in this manner, besides the 100,000 taken on the islands, it necessarily affects the number of killable seals. In 1889 this drain upon male seal life showed itself on the islands, and this, in my opinion, accounts for the necessity of the lessees taking so many young seals that year to fill out their quota.

As soon as the effects of pelagic sealing were noticed by me upon the islands I reported the same, and the Government at once took steps to limit the killing upon the islands, so that the rookeries might have an opportunity to increase their numbers to their former condition; but it will be impossible to repair the depletion if pelagic sealing continues. I have no doubt, as I reported, that the taking of 100,000 skins in 1889 affected the male life on the islands, and cut into the reserve of male seals necessary to preserve annually for breeding purposes in the future, but this fact did not become evident until it was too late to repair the fault that year. Except for the numbers destroyed by pelagic sealing in the years previous to 1889 the hauling grounds would not have been so depleted, and the taking of 100,000 male seals would not have impaired the reserve for breeding purposes or diminished to any extent the seal life on the Pribilof Islands. Even in this diminished

* See "Dependence on Alaskan Herd," under "The Seal-Skin Industry" for this table.

state of the rookeries in 1889 I carefully observed that in the majority of cases the four and five years old males were allowed to drop out of a "drive" before the bachelors had been driven any distance from the hauling grounds. These seals were let go for the sole purpose of supplying sufficient future breeders.

I believe there has been a great decrease in the numbers of the fur-seal species; I do not believe that there are now one-tenth as many fur-seals frequenting the *Chas. J. Hagne, p. 208.* Pribilof Islands as there were ten years ago.

Nine or ten years ago, when lying off the Pribilof Islands in the fall, the young seals used to play in the water about the vessel in large numbers; in going to the westward in the month of May many seals were always to be seen between Unalaska and the Four Mountain Islands. In midsummer, when making passages between Unalaska and the Pribiloff Islands, used to see large bodies of fur seals feeding—they were invariably to be met with most numerously about 60 miles north-north-west true from Unalaska, and from there up to the islands a continuous stream of seals was to be seen moving to and from the feeding grounds.

When last I visited the rookeries three years ago, in 1889, I noticed a great shrinkage in the area covered by seals on the rookeries.

In 1886 and 1887 there appeared to be enough seals and the men were kept pretty steadily at work after the first few days of the season until the catch was completed. *Alex. Hansson, p. 116.* Good-sized skins were taken in these years and there was no trouble in getting them, but large seals grew very scarce on the island in 1888, and still more so in the three following years. * * *

I am sure the size of the rookeries on St. Paul Island and the number of seals on them in 1891 were less than one-half of their size and number in 1886.

Coincident with the increase of hunting seals in the sea there was an increase in the death rate of pup seals on the rookeries; also a perceptible diminution of female *W. S. Hereford, p. 32.* seals. As hunting increased it became self-evident, even to the most casual observer, that the rookeries were becoming devastated. It is positively a fact that there are not near as many seals occupying the rookeries now, at the present time, as there were when I first saw the islands. The vacant spaces on the breeding and hauling grounds have increased in size from year to year since 1884, and have been very noticeable for the last four or five years.

When I first went to the seal islands the seals were actually increasing in numbers instead of diminishing. Two facts presented themselves to me later on:

First. Seals were arriving each year in diminished numbers.

Second. At the same time that the female seals were decreasing in numbers the number of dead pups on the rookeries was increasing.

The indiscriminate slaughter of seals in the water has so depleted their number that the company is at present unable to get their quota of skins on the island as allowed per contract with the Government, and is restricted to such an insignificant number that it is not enough to supply food to the native population of the islands.

It is an indisputable fact that large portions of the breeding rookeries

and hauling grounds are bare, where but a few years ago nothing but the happy, noisy, and snarling seal families could be seen.

* * * * *
The driving rookeries also necessarily have suffered, as witness the difference in the catch, a drop from 100,000 to about 20,000 in 1890.

I have been employed on the seal islands since 1882, and I have resided upon them continuously for ten years, and *Edward Hughes*, p. 37. have a personal knowledge of seal life as it exists on these islands and in the waters surrounding them, and there is less than one-third as many seals coming to the islands last year than there was in 1882. The decrease in the number of seals coming to the islands was first noticed and talked about in two or three years after I first came to live here; and since 1887 the decrease has been very rapid.

A careful inspection of the rookeries each returning season since 1887 showed that the cows were getting less and less, although it was a rare thing to find a cow seal that did not have a pup at her side.

Ten or twelve years ago the rookeries and sea were full of seals, but now there is not a great many; we used to kill *Jacob Kotkooten*, p. 132. 85,000 in less than two months' time on St. Paul Island, and our people earned plenty of money to buy everything they wanted, and in the winter we killed 2,000 or 3,000 male pups for food and clothing. Now we are not allowed to kill any more pups, and only 7,500 male seals for food, and our people are very much worried to know what is to become of themselves and children.

I remember the first time I noticed a decrease of seals on the rookeries, about seven or eight years ago, and the seals *Nicoli Krukoff*, p. 132. have become fewer every year since. We used to kill 85,000 seals on St. Paul Island in less than sixty days' time until 1890, when they became so few we could not take more than about one-fourth of that number in the same length of time.

All our people know the seals are getting scarcer every year, and we *Nicoli Krukoff*, p. 133. think it is because of the schooners coming in and shooting the cows in the sea.

About 1885 a decrease was observed, and that decrease has become *Aggoi Kushen*, p. 128. more marked every year from 1885 to the present time.

There are not one-fourth as many seals now as there were in 1882, and our people are very much alarmed to know *Aggoi Kushen*, p. 130. what is to become of them after the seals are killed off. If the seals decrease as fast as they have during the past five or six years there will be none left in a very short time for us to live upon.

During the time from 1885 to 1889 there was a very marked decrease in the size of the breeding grounds on St. Paul *Abial P. Loud* p. 38. Island, and from 1887 to 1889 I also noticed a great decrease in the areas covered by the rookeries on St. George Island.

In his reports of 1886 and 1887 George R. Tingle, special Treasury agent in charge of the seal islands, reported having measured the rookeries on the islands, and that the seals had largely increased in number, giving the increase at about 2,000,000. From this report I dissented at the time, as I was unable to see any increase, but on the contrary a perceptible decrease, in the rookeries. I expressed my views to many on the islands, and all agreed that there had been no increase in seal life. I do not think that there was a single person on the island except Mr. Tingle who thought there had been increase, or, in fact, that there had not been a decrease in seal life. The measurements of the rookeries on which Mr. Tingle relied were made with a common rope, by ignorant natives, while the seals were absent from the islands, the grounds covered by them being designated by Mr. Tingle from memory.

That during the three years following 1882, namely, 1883, 1884, and 1885, I was not upon the islands; that upon my return to said islands in 1886 I noticed a slight shrinkage in the breeding areas but am unable to indicate the year of the period of my absence in which the decrease of breeding seals began; that from the year 1886 to 1889, inclusive, my observation was continuous and that there was a greater decrease of the seals for each succeeding year of that period, in a cumulative ratio, proportionate to the number of seals killed by pelagic sealers.

In 1886 I again assumed personal direction of the work upon the islands, and continued in charge up to and including 1889. And now, for the first time in my experience, there was difficulty in securing such skins as we wanted. The trouble was not particularly marked in 1886, but increased from year to year to an alarming extent, until in 1889, in order to secure the full quota and at the same time turn back to the rookeries such breeding bulls as they seemed to absolutely need, we were forced to take fully 50 per cent of animals under size, which ought to have been allowed one or two years more growth. Concerning this matter I reported to the Alaska Commercial Company under date of July 16, 1889, as follows: "The contrast between the present condition of seal life, and that of the first decade of the lease is so marked that the most inexpert can not fail to notice it. Just when the change commenced I am unable, from personal observation, to say, for as you will remember I was in ill health and unable to visit the islands in 1883, 1884, and 1885. I left the rookeries in 1882 in their fullest and best condition, and found them in 1886 already showing slight falling off, and experienced that year for the first time some difficulty in securing just the class of animals in every case that we desired. We, however, obtained the full catch in that and the two following years, finishing the work from the 24th to the 27th of July, but were obliged, particularly in 1888, to content ourselves with smaller skins than we had heretofore taken. This was in part due to the necessity of turning back to the rookeries many half-grown bulls, owing to the notable scarcity of breeding males. I should have been glad to have ordered them killed instead, but under your instructions to see that the best interests of the rookeries were conserved, thought best to reject them. The result of killing from year to year a large and increasing number of small animals is very apparent. We are simply drawing in advance upon the stock that should be kept over for another year's growth."

Q. How does the number of seals on the rookeries this year compare with the number four or five years ago?—A. The *Noen Mandregin et al.*, number now is about one-fourth of what they were *p. 140.*

In 1887 I began to notice a diminution in the number of seals arriving at the islands, which was due to the indiscriminate killing by sealing vessels in the open sea, *Jno. Malowausky, p. 197* some 50 or 60 miles distant. (*Commander Islands*).

While we still obtain about the usual number of skins, many are taken from the younger animals than formerly, and are somewhat inferior in quality.

But from 1885, which was about the time the sealers appeared in the waters, the decrease in seal life was rapid and *Jno. Malowausky, p. 199* the natives commenced saying "no females," "no females," until now we are confronted with depleted rookeries and probable extermination. (*Commander Islands*).

Anton Melovedoff, p. 139. Q. Have you noticed any perceptible difference in the number of seals on rookeries from one year to another?—A. Yes.

Q. What changes have you noticed?—A. They have been getting less every year for about the last six years.

Q. About how much less is the number of seals during the past year than they were six years ago?—A. The number of seals this year are about one-fourth of what they were six years ago, and about one-half of what they were last year.

Q. In what way do you form your above opinion as to the relative number of seals on the rookeries?—A. By the fact that many spaces on the rookeries which were formerly crowded are now not occupied at all.

About 1886 I noticed that the lines of former years were not filled with cows, and every succeeding year since then *A. Melovedoff, p. 143.* has shown a more marked decrease. In 1889 the bachelors were so few on the hauling grounds that the standard weight of skins was lowered to 5 pounds, and hundreds were taken at only 4 pounds in order to fill the quota of 100,000.

Until the schooners came into Bering Sea the rookeries were always well filled, and many of them had grown steadily *Simeon Melovidov, p. 146.* for years, until it was no uncommon thing for the lessees to take the quota of 85,000 seals on St.

Paul Island between June 1 and July 20 of each year. After 1884, when the original two or three sealing vessels had grown to be a well organized fleet, we found a steady decrease of seals on all the rookeries and we found it difficult to secure the quota of skins, and in 1889 the lessees had to lower the standard of weight lower than ever before in the history of the island.

From the year 1874 till 1885 we were able to get from St. George and St. Paul islands 100,000 male seals within the *T. F. Morgan, p. 63.* period known as the sealing season of six weeks, from the 10th of June to the 1st of August, and still leave a large percentage of marketable seals. In 1885, and in

every year thereafter until I left in 1887, there was a marked decrease in the number of marketable skins that could be obtained in each year during the sealing season. We were able, down to the last year (1887) to get our total catch of 100,000 seals, but in order to get that number we had to take what in previous years we would have rejected, namely, undersized skins, *i. e.*, the skins of young seals. Prior to 1887 we had endeavored to take no skins weighing less than 8 pounds, but in order to make up our quota in the last-mentioned year we had to take skins weighing as little as $6\frac{1}{2}$ pounds to the number of several thousand.

In the years 1885, 1886, and 1887 my attention was attracted not only to a diminution in the number of killable seals appearing on the island, but to a decrease in the females as well. Up to the year 1884 the breeding space in the rookeries had increased, and from that year down to 1887, when I left the island, the acreage covered by the rookeries which were occupied by seals constantly diminished.

That my attention was called to the decrease of seals and the depletion of the rookeries at an early date after my arrival, and that I attempted to study the habits and conditions and to note the numbers of seal on the several rookeries and hauling grounds, and that the natives and employés of the Alaska Commercial Company were unanimous in their opinions that the seal had been decreasing steadily and rapidly since 1884, and I reported the fact to Agent Goff, who had found similar conditions existing on St. Paul, and he so reported to the Department and suggested that not more than 60,000 seals should be taken in any one season in future.

In pursuance of instructions from Agent Goff I left St. George Island on the 19th of July, 1890, and landed on St. Paul Island on the 20th of the same month, and remained there until August, 1891. During the month of July, 1890, I walked over the rookeries and hauling grounds of St. Paul Island and Agent Goff pointed out to me the lines to which in former years the seals hauled and the large areas which they covered; and then he called my attention to the small strip covered by seals on that date, which was smaller than the year previous.

Agent Goff stopped the killing of seals by the lessees on and after the 20th of July, 1890, because of the depleted condition of the hauling grounds; and I fully concurred in his order and action. I spent the sealing season of 1891 on St. Paul Island, and pursuant to instructions of Agent Williams, I gave my time and special attention to the study of the condition of the rookeries, both the breeding and grounds. I visited the rookeries daily from the 7th to the 22d of July—during the period when the rookeries are fullest and at their best—and I carefully noted their condition and the number of seals; the number of cows to the family, and the number of idle, vigorous bulls upon each rookery.

Upon my first visit to the rookeries and hauling grounds of the island of St. Paul, my attention was attracted to the evidences of recent and remote occupancy by the seals. Marked differences were noticeable in the appearance of vegetation on large areas formerly occupied as breeding and hauling grounds, while near the water's edge, more recently occupied, the ground was entirely bare of vegetation, enabling one to trace

the gradual decrease of areas occupied during the last six to eight years. My examination of the rookeries on St. Paul and St. George during the years 1890-'91 and 1892 enabled me to trace the yearly decreasing area occupied by the fur-seals on these islands. Aside from the evidences of deserted rookeries and hauling grounds shown by the grounds themselves, I was shown by native inhabitants of each island the grounds occupied in former years now deserted and grass-grown. The silent witness of the deserted rookeries bears out the testimony of the resident agents of the lessees of the islands, and of the native inhabitants of the islands, that the number of seals on the islands began to decrease with the advent of pelagic sealing, and that the yearly decrease has been in proportion with the yearly increase in the number of vessels engaged in that enterprise.

The decrease in the number of seals coming to the islands in last three or four years became so manifest to everyone ac-

L. A. Noyes, p. 83. quainted with the rookeries in earlier days that various theories have been advanced in an attempt

to account for the cause of this sudden change, and the following are some of them: 1st, "A dearth of bulls upon the breeding rookeries;" 2d, "Impotency of bulls, caused by overdriving while they were young bachelors;" and 3d, "An epidemic among the seals."

Q. Have you noted any perceptible difference in the number of seals on the rookeries from one year to another? If so,

J. C. Redpath, p. 140. what changes have you observed?—A. Within the last four five years I have observed a decided decrease in the number of seals on the rookeries.

Q. In what proportion have the seals decreased within the time mentioned?—A. As far as my judgment goes, I should say at least one-half.

As the schooners increased the seals decreased, and the lines of contraction on the rookeries were noticed to draw

J. C. Redpath, p. 151. nearer and nearer to the beach, and the killable seals became fewer in numbers, and harder to find.

In 1886 the decrease was so plain that the natives and all the agents on the islands saw it and were startled; and theories of all sorts were advanced in an attempt to account for a cause.

I had no difficulty in getting the size and weight of skins as ordered, nor had my predecessors in the office, up to and

Leon Stoss, p. 91. including 1884. The casks in which we packed them for shipment were made by the same man

for many years, and were always of uniform size. In 1885 these casks averaged about $47\frac{1}{2}$ skins each, and in 1886 they averaged about $50\frac{1}{2}$ skins each, as shown by the records in our office. After this date the number increased, and in 1888 they averaged about $55\frac{1}{2}$ skins per cask, and in 1889 averaged about 60 skins per cask. These latter were not such skins as we wanted, but the superintendent on the islands reported that they were the best he could get.

Z. L. Tanner, p. 375. The number of seals on the Pribilof Islands is decreasing. I saw positive proof of this on St. Paul Island last season.

I had an excellent opportunity to observe some of the seal rookeries during my first visit to the islands, and spent much time in studying the habits of the seals, both *Francois Tuttle, p. 487.* on the rookeries and in the adjacent waters. I

was particularly impressed with the great numbers to be seen both on land and in the water. During the summer of 1889 the *Rush* was so actively engaged cruising in pursuit of vessels engaged in illegal sealing that our anchorages off the seal rookeries that season were short and infrequent; hence I did not have the opportunity to observe them as closely on land as the preceding year.

During 1890 the *Rush* was not engaged in preventing sealing outside the shore limit, and we spent much time in full view of the seal rookeries and cruising about the seal islands, and I also made frequent visits to the breeding grounds.

The deserted appearance of the rookeries and the absence of seals in the water was very noticeable and was a matter of general remark among the officers of the vessel who had been on the former cruises. Very large tracts of the rookeries which I had formerly seen occupied by the seals were entirely deserted, and the herds were much smaller than those of 1888. My attention was also called, by those conversant with the facts, to the grass growing on the inshore side of some of the rookeries, and to the three different shades of grass to be seen, indicating the spaces that had not been occupied by the seals for several years, owing to their diminished number. The darker shade showed where the growth first commenced, and a lighter shade for each succeeding year. There were three or four differently shaded growths, reaching down to the sand of the rookeries, and on that portion of the rookeries occupied by seals they were not lying near as compact as in 1888.

In our frequent passages during 1890, between the Aleutian group and the seal islands, we sometimes made an entire passage without seeing a seal. This was entirely different from the experience of the preceding years, indicating a great falling off of seal life.

In the year 1880 I thought I began to notice a falling off from the year previous of the number of seals on Northeast Point rookery, but this decrease was so very slight that probably it would not have been observed by one less familiar with seal life and its conditions than I; but I could not discover or learn that it showed itself on any of the other rookeries. In 1884 and 1885 I noticed a decrease, and it became so marked in 1886 that everyone on the islands saw it. This marked decrease in 1886 showed itself on all the rookeries on both islands.

Until 1887 or 1888, however, the decrease was not felt in obtaining skins, at which time the standard was lowered from 6 and 7 pound skins to 5 and $4\frac{1}{2}$ pounds. The hauling grounds of Northeast Point kept up the standard longer than the other rookeries, because, as I believe, the latter rookeries had felt the drain of the open-sea sealing during 1885 and 1886 more than Northeast Point, the cows from the other rookeries having gone to the southward to feed, where the majority of the sealing schooners were engaged in taking seal.

That in pursuance of Department instructions to me of May 27, 1891, I made a careful examination during the sealing season of the habits, numbers, and conditions of the seals and seal rookeries with a view of reporting to the Department from observation and such knowledge on the

subject as I might obtain whether or not in my opinion the seals are diminishing on the Pribilof Islands, and, if so, the causes therefor; that as a result of such investigation I found from the statements made to me by the natives on said islands, Government agents, employés of the lessees, some of whom had been on said islands for many years, that a decrease in number of seals had been gradually going on since 1885, and that in the last three years the decrease had been very rapid.

A careful and frequent examination of the hauling grounds and breeding rookeries by myself and assistant agents during the months of June, July, and August showed that the seals had greatly diminished in number, and we found large vacant spaces on all the rookeries which in former years during these months had been covered by thousands of seals; that prior to 1888 the lessees had been able to take 100,000 skins from male seals, but I am clearly of the opinion that not more than one-third of that number of merchantable skins could have been taken during the year 1891.

ALONG THE COAST.

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I know that the seals are much more scarce this year than they were last year. I do not think it is right to kill *H. Andricius*, p. 314. the mother seals with pups in them.

When I was a boy, seal were speared among the islands in Sitka Sound, but now the few that come along the coast *Adam Ayonkee*, p. 255. we are obliged to go far out to sea in order to get.

Q. Has there been any decrease in the quantity of seals as compared to previous years?—A. There has been a decided decrease. *George Ball*, p. 483. Vessels that used to get with experienced hunters 3,000 or 4,000 in a season, now get with experienced hunters less than half of that number.

I find the skins in this lot to run much larger in sizes than those known as the Northwest seals that are now taken *Charles J. Behlow*, p. 404. on the American side. The greater percentage of these 2,170 salted fur-seal skins are of the large breeding cows with fully developed teats.

Some years ago the catch of the Northwest seals taken in the North Pacific Ocean and the Bering Sea (on the American side) contained a great number of the large breeding cows as above described; but of late years, on examining the catches, I find very few; and this year hardly any, proving conclusively that the old stock of productive cows is almost exterminated.

There has been a great decrease of seals in the last few years from what there was in former years. They are also getting shy and scared from being hunted so much, and they are now very hard to catch. *William Bondt*, p. 404.

I don't think the seals are as plentiful as they were last year, and the hunting of them should be stopped in the North Pacific Ocean. *Bernhardt Bleidner*, p. 815.

I can not say positively as to the decrease in numbers, but I know they are much more shy now than when I commenced sealing.

Niels Bonde, p. 316.

In 1891 I noticed that there was a considerable decrease in the number of seals seen in the water; also, that they were more shy and wakeful, as compared with my observations in 1890.

Henry Brown, p. 318.

About six or seven years ago I commenced to notice a decrease in the number of seals arriving in the straits and around the cape.

Peter Brown, p. 377.

I did not see as many seals as the years previous; I left the vessel in April at Victoria, British Columbia. The seals upon this voyage were more shy than in 1889 and more difficult to capture.

Thos. Brown, (No. 1), p. 319.

Seals used to be very plentiful around the cape and in the Strait of San Juan de Fuca, but they have been rapidly decreasing during the last five or six years. We were out sealing a short time ago and captured but five seals. A few years ago, during the same period of time, we would have caught about sixty. They are wilder now and more difficult to catch, and will soon be destroyed if guns are used in hunting them.

There was much less number of seals to be seen in the North Pacific and Bering Sea in 1890 than in 1888.

Seals used to be plentiful in the straits, but for the last five or six years they have become very scarce in the straits, so that now we can not find any more there. We used to hunt seals in canoes for about 20 miles out in the ocean, off Cape Flattery and up and down the coast, between Greys Harbor and Barclay Sound. Seals were very plentiful along the coast six or eight years ago.

When white men or traders began coming in here with schooners they offered us large inducements to go cruising for seals and we commenced going further from land but did not notice any decrease in the number of seals each year, until about six or seven years ago, when vessels with white hunters and armed with shotguns began to appear in considerable numbers off the coast. Since that time the decrease has been very rapid.

But during the last four or five years there have not been near as many coming to the strait [Of San Juan de Fuca] or on the coast as in former years. There are a few in the strait, but we do not hunt them now, and can not secure more than one-sixth as many in a season as we used to a few years ago.

My observations and experience in 1889 were about the same as in the previous year, except as to the number of seals seen, which was much smaller. There was a perceptible decrease in the number of seals seen by me in the year 1889 as compared with the year 1888.

Louis Culler, p. 321. Hunters talk about the seals increasing from year to year, but I know they are decreasing, and if they keep on killing them the way they do now there will not be any left in a few years.

Alfred Dardean, p. 323. A few years ago seals were very plentiful in the Straits of San Juan de Fuca. It is not now so. They are so scarce in the straits that we do not hunt for them there any more. * * *

One time, when hunting along the coast with a spear, our canoe took 100 seals in five days, but we can not catch as many now. They are very shy and wild, so that if we get two or three now in five days we would be doing very well. I have caught only eight seals this year. Before the white man came here to hunt seals with the shotgun and rifle, five or six years ago, they were not so wild as they are now, and by this time in a year I would have had a hundred or more seals.

Jeff Davis, p. 384. Years ago, in the winter time, seals were plenty in the Straits of San Juan de Fuca, and I have hunted and helped to catch them up the straits as far as Pysht, which is about 37 miles from Cape Flattery. Of later years they have quit coming in the straits and we do not hunt for them there any more.

Jas. H. Douglass, p. 384. Since the seal hunting began to be industriously pursued about the years 1884-'85, and the transfer of American schooners to the British flag at Victoria, British Columbia, took place to avoid seizure, I have been made acquainted, both from observation and conversation with sealers, of the fact of the growing scarcity of seals.

Wm. Dumeau, p. 279. The Indians report to me that the seal are very much scarcer than they were in former years, and I know that they don't bring in as many skins as they did in former years, although skins are bringing a much better price than they used to.

Geo. Fogel, p. 424. From the reports of the officers to me I learned that the seals were much scarcer in 1891 than they were in 1888, when I first sent them out.

I have gone out of the business because it became so unprofitable on account of the scarcity of seals.

* * * * * * * * *
A few years ago you could go off shore about 50 miles from San Francisco and you would come across thousands of seals leisurely going north, while now we see but very few. I fitted out the schooner *Oygnet* in 1874, which was one of the first sealers to go to the Bering

Sea, and we had no trouble in getting seals at that time, for they were very plentiful and gentle, and would stand up and look at the hunters until they shot them. You can not do that now. Sealshave been growing very scarce within the last few years, and it does not pay to fit out sealing schooners.

I don't know what to think about the schooners. *Chief Frank*, p. 280.
There is one thing certain, seals are getting scarce.

There were not as many seals last year as there
were the first years I went. *Wm. Fraser*, p. 427.

There has been a great decrease in the number of seals to be seen in
the North Pacific and Bering Sea since I first
went out to hunt them. *Thos. Gibson*, p. 432.

To my knowledge, and from conversation with others, I can state
positively that seals have decreased rapidly in
numbers off the Pacific coast in the last five or six *E. M. Greenleaf*, p. 325.
years. A schooner used to secure from 700 to 1,400
skins for a spring catch, whereas now, with all the improved appliances
of arms and vessels, the largest catch is less than 500.

Q. Have you noticed any decrease in the quantity of animals in the
last few years?—A. As I have not hunted on this *Chas. G. Hagman*, p.
coast for several years I am unable to say. When 435.
I was there I saw no difference.

Seals were not as plentiful along the coast this *Jas. Harrison*, p. 327.
year as they were in 1891.

It is reported to me by Indians who hunt fur-seal that they are be-
coming very scarce. They have noticed decrease *Jac. Hartlisonuk*, p. 239.
in the last four years.

Fur-seal are getting very scarce along this coast and Indian fur-seal
hunters have great trouble in getting any now,
while in former years they got plenty. *Sam Hayikahila*, p. 239.

Q. Have you noticed any decrease in the quantity of animals in the
last few years? In other words, do you find them
as plenty now in the last year or two as you used *H. Harmsen*, p. 442.
to?—A. Of course not. They are not so plentiful,
that is sure. In 1880 we got 2,100 seals. Now you couldn't get 300 in
the same time.

I have noticed a decrease in number of seals from year to year in the
waters of the Bering Sea since about 1886, and for
the last three years the decrease has been very *J. M. Hays*, p. 26.
rapid. Up to about 1884 the Bering Sea around
the Pribilof Islands, and between said islands and the passes, was
swarming with seals during the breeding season, but for the last few
years the decrease in numbers has been so marked that I could not fail
to notice it.

Q. Has there been any decrease in the quantity of seals as compared to previous years?—A. I think there has been a decrease of seals as compared to previous years of about 25 per cent or more.

Wm. Henson, p. 484. Q. Has there been any decrease in the quantity of seals, as compared to previous years?—A. Well, for the length of time that I have been out there is not much difference.

Andrew J. Hoffman, p. 447. *Gustave Isaacson, p. 440.* Q. Have you noticed any decrease in the quantity of seals in the last few years?—A. Yes, sir; a great decrease.

Victor Jacobson, p. 328. Seals are diminishing along the coast, and unless pelagic sealing is stopped in the Pacific Ocean the seal will become exterminated.

Q. Have you noticed any decrease in the quantity of animals in the last few years?—A. I have found a decrease. I have not been doing much sealing in the last three or four years. I have been otter hunting, principally.

Frank Johnson, p. 441. *Jack Johnson, p. 282.* Seal are not nearly as plentiful on the coast as in former times.

About six years ago I noticed the seal herd began to decrease, and they are getting less each year ever since the *Selvish Johnson, p. 388.* white hunter came about here and commenced killing them with guns. * * *

They are very scarce now, and very wild and difficult to catch.

The seals were not near as plentiful along the coast and Bering Sea in 1891 as they were in 1890. They wanted me to ship this year on a sixth lay—that is, every sixth skin was to be mine—but I thought the seals were so scarce it would not pay me to go. It is the common conversation among us hunters that the seals are getting so scarce it does not pay for us to go and hunt them unless they will give us a better price per skin, and a great many of the old hunters would not go out this year on that account.

In 1888 I made a fishing voyage to the Bering Sea, and while in there heard the captain and officers discussing about *James Kennedy, p. 449.* the decrease of seals on the islands and in the water. I heard it discussed on our return at the different ports we put in at, and also in Victoria on our arrival, and all said the seals were decreasing.

I have often conversed with many other persons who, like myself, were engaged in sealing, and they agreed with *James Kiernan, p. 451.* me in the statements herein made as to the destruction and disappearance of the seals in the northern waters. My view of the matter could, I have no doubt, be corroborated by hundreds of persons experienced in sealing, if they be

found. At this season of the year, however, they are absent from the coast hunting and fishing on the ocean.

Seal are getting very scarce on the coast the last three or four years.
 * * * Indian hunters can not get any more
 in canoes, on account of the few seals that are left *Kinkooga*, p. 240.
 are so far from the land.

At every village (and we stopped at over nine on Vancouver Island) I interrogated the Indians to the best of my ability, and they all agreed there were very few seals now compared with the great numbers which were found formerly, and that this decrease began five or six seasons ago.

When I first began to hunt seals the females were plenty, but now they are not so plenty. *Jas. Klonacket*, p. 283.

They were formerly much more plentiful than of late years. In the early part of the season the males are most numerous, a few females being taken toward its close, *Frank Korth*, p. 235. in the latter part of May.

It is harder to find the pups now than it was a few years ago. There does not seem to be so many of them as there used to be. *Ivan Krukoff*, p. 209.

Seals first appear in Prince William Sound about the 1st of May, and were formerly quite plentiful, while now they are becoming constantly scarcer. *Olaf Kvam*, p. 236.

I often converse with the masters of the vessels relative to the fur-seal, and they tell me that they are scarcer each year, and that it is much harder to make a voyage than it used to be. * * *

From my experience in dealing with the people interested in sealing, and from my own personal observation, I know the seals are decreasing very fast in Bering Sea.

Deponent further says that by reason of his knowledge of the business he knows that the number of seals has greatly diminished within the last five years. *Herman Liebes*, p. 514.

I have noticed in examining the skins of the northwest or "Victoria catch" during the last two years that they average much smaller in size than they formerly did. *Isaac Liebes*, p. 453. The large breeding cows, of which this catch used to contain a considerable percentage, are now almost entirely absent, showing conclusively that the old stock has been exterminated, and the supply upon which they are now drawing is comprised of younger animals.

From what I learned when fishing in the Bering Sea there are not nearly as many seals there as there were ten years ago. *Caleb Lindahl*, p. 456.

I think I noticed fewer seals that year than I did in 1889. Seals along the coast are not near as plentiful now as they were when I first began to hunt them. I used to catch 9 or 10 seals in one day; but they are so shy, and so scarce now, that a canoe does not get that many in a month.

Have noticed a decrease in seal along the coast, and it is the general opinion that they are decreasing very *J. D. McDonald, p. 266.*

Q. Have you noticed any decrease in the quantity of seals in the last few years over what it was a few years formerly?—
Alexander McLean, p. 437. A. I have noticed a decrease since I have been in the business; I have made a catch from 3,500, coming down to 1,500, a little less than one-half.

Q. You do not consider there are nearly as many seals now as there used to be in the water?—A. No, sir; not now. I have been in the business for ten years, and I think in another ten years there will be a great deal less.

Thos. Madden, p. 463. The seals were not nearly as plentiful in 1891 as they were in 1888. I think they are decreasing rapidly.

There are not near as many hunters hunting seal as there used to be, for the seal are decreasing very fast. I know, be- *Fred'k Mason, p. 284.* cause I am hunting seal all the time.

Wm. Mason, p. 466. The hunters say the seals are getting scarcer all the time, and that it does not pay to go unless they get more for a skin.

Thorval Mathasan, p. 339. I think the seals are not so plentiful on the coast as last year. * * * Seals did not seem to be near as plentiful as last year.

They were formerly found in this region in great numbers, but of late years they have been constantly diminishing, owing to the number of sealing vessels engaged in killing them.

Q. Have you noticed any decrease in the quantity of animals in the last few years?—A. There is no doubt but what *Frank Moreau, p. 468.* there is a decrease.

Jno. Morris, p. 340. Seals are scarcer now than in former years.

When I was in the sea in 1887 seals were very plentiful there, but in 1889 there were not so many, and in 1891 there were fewer still.

When I was a small boy fur-seal used to come into Clarence Straits, but it has been a good many years now since any *Smith Natch, p. 298.* fur-seal have been seen there.

There have only been two seal killed by the four canoes hunting off Cape Muzon this season, which shows plainly enough that the seal are most all gone.

Dan Nathlan, p. 287.

Fur-seal are not as plentiful on the coast as they used to be. The Indians kill but very few now. In former years they used to get many of them, but the last few years they have become very scarce and the Indian hunters take very few.

I believe there has been a great decrease in the number of the fur-seals frequenting the Pribilof Islands. Years ago I used to see a great number of them in Bering Sea while making passage between Unalaska and the Pribilof Islands during the breeding season, but now only a few are seen, and these are observed much nearer to the islands than was formerly the case.

Seals were not so thick in the sea that year as they were about four years previous to that time. Seals are likewise rapidly decreasing all along the coast.

Osky, p. 391.

Seals were much less in numbers off the coast in 1890 than they were about 1885. They have either been destroyed or driven off. We had no trouble in making a season on the coast, weather permitting, of from 700 to 1,300, and now 500 is a good catch.

William Parker, p. 344.

Seals are very much more scarce than they were when I began to seal in schooners. I never see any more big herds like I used to, and it is much more difficult to get them now than in former years. They have got wild and shy, because they have been hunted too much with guns.

Wilson Parker, p. 392.

I used to hunt for seals in the Straits of San Juan de Fuca, but of late years have not done so because the seals do not come into the straits any more.

There are not as many seal-skins offered for sale now as in former years, and last year our people caught less than one-eighth of what they used to prior to 1886.

Chestoqua Peterson, p. 393.

Do not think there are now as many fur-seals as there were thirty years ago, but do not know the cause of the decrease.

Elijah Prokopief, p. 215.

During past four years have not noticed much change in number of seal.

W. Roberts, p. 242.

I do know that where Indians formerly went out and brought back fifteen seals they scarcely bring back one now.

Abel Ryan, p. 299.

I noticed a decrease in the number of seals off Cape Flattery when there in 1891, as compared with the other season.

Wm. Short, p. 343.

Showoosch, p. 243.

I haven't killed any seal lately, as they are getting very scarce.

In former years I found great numbers of fur-seals, but within the last few years I have observed that they have greatly diminished in numbers, so that now I do not find any off Cape Elizabeth and the adjacent region, where formerly they abounded.

Skeenong, p. 244.

Have heard all the Indians with whom I have come in contact say that the fur-seal are becoming very scarce of late years.

All the hunters went out hunting this season, and returned home discouraged, only catching two fur-seals. The *Geo. Skulika*, p. 290. fur-seal, like the sea-otter, are all gone.

To the best of my knowledge and belief fur-seal life has considerably diminished within the past few years, which fact *Jno. W. Smith*, p. 233. I attribute to the large number of vessels which have been engaged in pelagic seal hunting of late years.

Q. Has there been any decrease in the quantity of seals as compared *Gustave Sundvall*, p. 481. to previous years?—A. There has been a decrease. From the time I started sealing I guess there has been a decrease of 25 per cent.

Adolph W. Thompson, p. 486. They were not nearly as plentiful that season as they were in 1890.

Charlie Tlaksatan, p. 27. When spear was used seal were very plentiful; since shotgun is used they are becoming very scarce.

John C. Tolman, p. 222. Sealers report that seals are not as plentiful as in former years.

From my personal observation I know there has been a very great decrease within the past four or five years in the *Chas. T. Wagner*, p. 212. number of seals found in the North Pacific and and Bering Seas.

Rudolph Walton, p. 272. Seal are decreasing on the coast. Have noticed they have decreased rapidly the last two years.

Five years ago it was a common occurrence to sail past large numbers of fur-seals; many times we found them asleep on *M. L. Washburn*, p. 488. the water, and they were not easily frightened at the presence of a vessel, but for the last two years the seals have been more scattering, fewer in numbers, and much more shy.

In my journeys in these waters I have noticed that seals are much less plentiful than when I first went there five *M. L. Washburn*, p. 489. years ago, and that the decrease has been very marked in the last two years.

Within the last five or six years the seals are *Watkins, p. 395*
becoming fewer and fewer, and are wild and shy
and very hard to catch.

Last year there were fewer than ever before. This season the natives
caught about one-half as many as last. In his
opinion the seals will soon be exterminated, and *Weckenunesch, p. 272.*
in three years there will be no more sealing.

Until about eight years ago I used to catch seals in the Straits of
San Juan de Fuca, but for the last two or three
years they have been so scarce in the straits that *Wispo, p. 398.*
we do not try to hunt them any more.

Seal have become very scarce around Prince of
Wales Island since the white men began hunting
them in schooners. *Billy Yeltachy, p. 302.*

* * * * *

The Indians are obliged to go a long way now for seal. I have been
out three times this year and have only killed one seal, and only saw
two or three this season.

Seals are much scarcer now than they used to be six or eight years
ago. They used to go ten or fifteen in a bunch,
but now we seldom see more than two or three *Thos. Zolnok, p. 398.*
together.

CAUSE.

LACK OF MALE LIFE NOT THE CAUSE.

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The abundance of male life for service upon the rookeries was evi-
denced by the number of young bulls which con-
tinually sought lodgment upon the breeding *J. Stanley Brown, p. 14.*
grounds.

It is highly improbable that the rookeries have ever sustained any
injury from insufficient service on the part of the males, for any male
that did not possess sufficient vitality for sustained potency would in-
evitably be deprived of his harem by either his neighbor or some lusty
young aspirant, and this dispossession would be rendered the more cer-
tain by the disloyalty of his consorts.

The seal being polygamous in habit, each male being able to pro-
vide for a harem averaging twenty or thirty mem-
bers, and the proportion of male to female born *J. Stanley Brown, p. 18.*
being equal, there must inevitably be left a reserve
of young immature males, the death of a certain proportion of which
could not in any way affect the annual supply coming from the breed-
ing grounds. These conditions existing, the Government has permit-
ted the taking, with three exceptions, up to 1890, of a quota of about

100,000 of these young male seals annually. When the abundance of seal life, as evidenced by the areas formerly occupied by seals, is considered I do not believe that this could account for or play any appreciable part in the diminution of the herd. * * *

From my knowledge of the vitality of seals I do not believe any injury ever occurred to the reproductive powers of the male seals from redriving that would retard the increase of the herd, and that the driving of 1890 necessary to secure about 22,000 skins could not have caused nor played any important part in the decrease that was apparent on every hand last year.

The whole time I was there there was an ample supply of full-grown vigorous males sufficient for serving all the females
Chas. Bryant, p. 7. on the islands, and every year a surplus of vigorous bulls could always be found about the rookeries awaiting an opportunity to usurp the place of some old or wounded bull, unable longer to maintain his place on the breeding grounds. I should except from this general statement the seasons of 1873 and to 1875, when the destruction of young males in 1868, and the error made by the company under their misapprehension as to the character of skins to be taken for market, perceptibly affected the males on the breeding grounds. It is not certain that the fertilizing of the females was thereby affected, and this gap was filled up, and from this time on there was at all times not only a sufficiency but a surplus of male life for breeding purposes.

Plenty of bulls all the time on the rookeries, and plenty bulls have no cows. I never seen a three-year-old cow without a pup in July; only two-year-olds have no pups.
Karp Buterin, p. 103.

I never noticed any disproportion of the sexes that would lead me to suspect that the "bull" seals were too few, nor more
H. N. Clark, p. 159. than an occasional barren "cow." These latter were so few as to excite no remark; but if any such disproportion did, in fact, exist in 1888 and 1889 it was the fault of those who killed them at sea, because it never occurred at all until the marine hunters became numerous and aggressive. I mention this matter here because, since I left the island, I have heard it asserted that the mismanagement there caused the decrease of seal life. The management there was just such as I would follow if all the seals belonged to me.

I never saw any impotent bulls on the rookeries, and do not believe there ever was any, unless it was the result of
C. L. Fowler, p. 25. age; nor do I believe that young male seals were ever rendered impotent by driving. There has always been a plenty of bulls on the rookeries for breeding purposes ever since I have been on the islands.

I never knew of a time when there were not plenty of bulls for all the cows, and I never saw a cow seal—except a
John Fratis, p. 109. two-year-old—without a pup by her side in the proper season. I never heard tell of an impotent bull seal, nor do I believe there is such a thing, excepting the very old

and feeble, or badly wounded ones. I have seen hundreds of idle vigorous bulls upon the rookeries, and there were no cows for them. I saw many such bulls last year.

During these years there was always a sufficiency of vigorous male life to serve all the female seals which came to the islands, and certainly during this period seal life was not affected by any deficiency of males. *H. N. Glidden, p. 109.*

The orders of the "boss" of the gang, in which I worked in 1888 and 1889, under the management of the Alaska Commercial Company, were not to kill the five-year old bulls, because they were, he said, needed on the rookeries. *Alex. Hansson, p. 116.*

We noticed idle vigorous bulls on the breeding rookeries, because of the scarcity of cows, and I have noticed that the cows have decreased steadily every year since 1886, but more particularly so in 1888, 1889, 1890, and 1891. *Aggei Kushen, p. 128.*

And I am satisfied a sufficient number of males was always reserved for future breeding purposes.

Abial P. Loud, p. 38.

That during the twenty years I was upon said general agent of said Alaska Commercial Company there were reserved upon the breeding rookeries upon said islands sufficient vigorous bulls to serve the number of females upon said rookeries; that while I was located upon said islands there was at all times a greater number of adult male seals than was necessary to fertilize the females who hauled upon said rookeries and that there was no time when there were not vigorous bulls on the rookeries who were unable to obtain female consorts. *H. H. McIntyre, p. 45.*

So well was this necessity for reserving sufficient mature male life recognized that when in 1887, 1888, and 1889 the depleted rookeries (depleted from causes that will be explained further on) would not furnish the quota of 100,000 large skins, two and three years old male seals were taken to make up the quota in preference to trenching upon this reserve of maturer male life.

The policy of the Alaska Commercial Company, during the whole period of its lease, was, as might be naturally expected, to obtain the best possible skins for market and at the same time preserve the rookeries against injury, for it was not only in their interests to be able to secure every year, until the expiration of the lease, the full quota allowed by law, but they confidently expected, by reason of their good management of the business, and faithful fulfillment of every obligation to the Government, to obtain the franchise for a second term. I was, therefore, always alert to see that the due proportion of breeding males of serviceable age was allowed to return to the rookeries. This was a comparatively easy task prior to 1882, but became from year to year more difficult as the seals decreased. No very explicit orders were given to the "bosses" upon this point until 1888, because the bulls seemed to be plentiful enough, and because it was easier to kill and skin a small seal than a large one, and the natives were inclined for this reason to

allow the large ones to escape; but in 1888 and 1889 there was such a marked scarcity of breeding males upon the rookeries that I gave strict orders to spare all five-year-old bulls and confine the killing to smaller animals.

I have never known or heard tell of a time when there was not bulls enough and to spare on the breeding rookeries. I *Anton Meloredoff, p. 142.* never saw a cow of 3 years old or over in August without a pup by her side. The only cows on a breeding rookery without pups are the virgin cows who have come there for the first time. I never went onto a rookery in the breeding season when I could not have counted plenty of idle vigorous bulls who had no cows.

Talk of epidemics among seals and of impotent bulls on the rookeries, but those who have spent a lifetime on the seal islands, and whose business and duty it has been to guard and observe them, have no knowledge of the existence of either. An important bull dare not attempt to go on a rookery, even had he a desire to do so. Excepting the extremely old and feeble, I have never seen a bull that was impotent.

Nor is there any shadow of fact for the idle statement made from time *Simeon Meloridor, p. 146.* to time about a dearth of bulls on the rookeries or of impotent bulls.

I have talked to the old men of our people, men who can remember back over fifty years, and not one of them knows of a time when there was not plenty of bulls, and more than enough on the breeding rookeries, and no one here ever heard of an impotent bull. * * * It has been said that cows are barren sometimes because of the dearth of bulls, but such is not the case at all, for the only cows on the breeding rookeries in July or August without pups are the two-year-olds (virgins), which have come on the rookeries for the first time.

Despite the lowering of the standard weight of skins, care was taken annually on St. George that the residue of available male breeders was sufficient for the needs of the rookeries, and instructions to that effect were given to the assistants by the superintendent of the Alaska Commercial Company. In this we were aided by the inaccessible character of some of the hauling grounds.

During these years there were always a sufficiency of male seals for breeding purposes, and in every year I saw great numbers of idle, vigorous bulls about and back of the breeding grounds, which were unable to obtain females.

During my observations in 1890, I was led to believe that the decrease was partly due to the lack of bulls on the breeding rookeries, and I so reported to Agent *Jos. Murray, p. 74.* Goff; but after thoroughly investigating the subject the next year by daily visits to the breeding grounds of the several rookeries, where I saw nearly every cow with a pup by her side, and hundreds of vigorous bulls without any cows, I came to the conclusion that there is no truth in the theory, and that it was the cows that were scarce and steadily decreasing. Had I had a doubt it would

have been dispelled when I was informed that the combined fleets had warned ninety-one poaching schooners out of Bering Sea before August 25, 1891, and that each of the schooners had seal skins on board, which, in the aggregate, numbered about 30,000, of which 90 per cent were found to be females.

During my stay on the islands I have never seen a time during the breeding season when there has not been a number of large, vigorous young bulls hanging about the borders of the rookeries watching for an opportunity to get a position of their own. *S. R. Nettleton, p. 75.*

The "dearth of bulls theory" has been thoroughly and impartially investigated without discovering a cow of 3 years old or over on the rookeries without a pup by her side at the proper time, and I am convinced that the virgin females coming on to the rookeries for the first time are the only ones to be found there without pups. *L. A. Noyes, p. 84.*

The investigation established the additional fact that hundreds of vigorous bulls were lying idle on the rookeries without cows, and many others had to content themselves with only one or two.

The theory of "impotency of the bull through overdriving" while young was also found to be untrue, and it was shown that after 1878 all long drives on both islands had been abolished, and instead of driving seals from 6 to 12 miles, as was done in Russian times, none were driven to exceed $2\frac{1}{2}$ miles.

It is also a well-known fact that none but the physically strong and aggressive bulls can hold a position on the rookeries, and that a weak or an impotent animal has no desire to go there.

A dearth of bulls on the breeding rookeries was a pet theory of one or two transient visitors, but it only needed a thorough investigation of the condition of the rookeries to convince the most skeptical that there were plenty of bulls, and to spare, and that hardly a cow could be found on the rookeries without a pup at her side. *J. C. Redpath, p. 151.*

For five years I have given this particular subject my most earnest attention, and every succeeding year's experience has convinced me that there is not and never was a dearth of bulls. The theory of impotency of the young bulls because of overdriving when young is not worthy of consideration by any sane or honest man who has ever seen a bull seal on a breeding rookery; and as I have already answered the question of overdriving I will only add here that no young bull ever goes upon a breeding rookery until he is able to fight his way in, and an impotent bull has no desire to fight, nor could he win a position on the rookery were he to attempt it. The man is not alive who ever saw a six or seven year old bull seal impotent.

There was always in both seasons a great sufficiency of adult males to serve all the females coming to the island, and I noticed each year a great number of idle, vigorous bulls behind the breeding grounds who could not obtain consorts, and one of these extra bulls always took the place of an old male unable longer to be of use for breeding purposes. *B. F. Scribner, p. 89.*

And that the seals are not nearly so plentiful as they were five or six years ago. *M. L. Washburn, p. 489.*

There was never while I have been upon the islands any scarcity of vigorous bulls, there always being a sufficient number to fertilize all the cows coming to the islands. It was always borne in mind by those on the islands that a sufficient number of males must be preserved for breeding purposes, and this accounts partly for the lowering of the standard weight of skins in 1888. The season of 1891 showed that male seals had certainly been in sufficient number the year before, because the pups on the rookeries were as many as should be for the number of cows landing, the ratio being the same as in former years. Then, too, there was a surplus of vigorous bulls in 1891 who could obtain no cows.

During the season of 1891 nearly every mature female coming upon the rookeries gave birth to a young seal, and *W. H. Williams*, p. 94. there was great abundance of males of sufficient age to again go upon the breeding grounds that year, as was shown by the inability of large numbers of them to secure more than one to five cows each, while quite a number could secure none at all. My investigation confirms what has been so often said by others who have reported upon this subject, and that is that the Pribilof Islands are the great breeding grounds of the fur-seals, and that they can be reared in great numbers on said islands, and at the same time, under wise and judicious restrictions, a certain number of male seals can be killed from year to year without injury to the breeding herds, and their skins disposed of for commercial purposes, thereby building up and perpetuating this great industry indefinitely, and thus adding to the wealth, happiness, and comfort of the civilized world, while, on the other hand, if the pelagic hunting of this animal is to continue, and the barbarous practice of killing the mother seal with her unborn young, or when she is rearing it, is to go on, it will be but a very short time before the fur-seal will practically become extinct and this valuable industry will pass out of existence.

RAIDS ON ROOKERIES NOT THE CAUSE.

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It may be worth while to add that the suggestion has been made *Report of American Commissioners*, p. 378 of that the decrease in the number of seals is due to piratical raids upon the islands themselves during the breeding season.

While it is unquestionably true that such raids have occasionally occurred during the past, and that some skins have been obtained in that way, the number of these is so trifling in comparison with the annual pelagic catch as not to affect in any way the question under consideration. It is also difficult for one familiar with the rookeries and habits of the seal to conceive of a raid being made without its becoming known to the officers in charge of the operations upon the islands. The "raid theory," therefore, may be dismissed as unworthy, in our judgment, of serious consideration.

III. The statistics which I have examined, as well as all the inquiries made, show that in the raids upon the rookeries themselves by marauders the loss of seal life has been too unimportant to play any part in the destruction of the breeding grounds. The inhospitable shores, the expo-

sure of the islands to surf, the unfavorable climatic conditions, as well as the presence of the natives and white men, will always prevent raids upon the islands from ever being frequent or effective.

During my stay upon St. George Island several attempts were made by poachers to get on shore and steal the seal, but they succeeded, as far as I am aware, only on *Harry N. Clark, p. 160.* three occasions, and in all those three I do not think they killed more than 1,200 or 1,500 seals, including pups. If any

others had effected a landing we should have known it, for the rookeries were constantly watched and the natives are very keen in this matter.

We tried to make a raid on St. George, but the *Peter Duffy, p. 421.*
Corwin was after us and we kept out of its way.

During the time I was on St. George Island there never was a raid on the rookeries to my knowledge, and I never heard of any such raid ever having taken place. *Sam'l. Falconer, p. 162.*

I have known of one or two schooners operating in Bering Sea as early as 1877 or 1878, and they were on the rookeries occasionally during the past ten years; but *Jno. Fratis, p. 108.* they can not damage the seal herd much by raiding the rookeries, because they can not take many, even were they permitted to land, which they are not by any means.

Raids on the rookeries by marauders did not, while I was on the island, amount to anything, and certainly seal life there was not affected to any extent by such invasions. I only knew of one raid upon St. Paul Island while I was there. It was by a Japanese vessel, and they killed about 100 seals, the carcasses of which we found on board when we captured the vessel.

We sailed about January from Victoria, British Columbia, and sailed along the coast until the latter part of June and went into Bering Sea, and sealed as near to St. George Island as we could, and caught about 300 or 400 seals in the sea. Our intention was to make a raid, but were driven away by a revenue cutter. We left the sea about the latter part of July.

Max. Heilbronner, having been duly sworn, deposes and says: I am secretary of the Alaska Commercial Agency, and as such have in my custody all record books of the *Max Heilbronner, p. 29.* company; and among them the daily records or "log book" kept by the agents of the company on St. George Island from 1873 to 1889, inclusive, and on St. Paul Island from 1876 to 1889, inclusive. In these books every occurrence was carefully noted from day to day by the agent in charge at the time. They have been examined under my supervision and show only the following raids on St. George Island during the time covered by them, to wit:

October 23, 1891 [1881].—The carcasses of fifteen dead pup seals and a cargo hook were found on a rookery. It was supposed that the crew

of a schooner seen about the island a few days previous landed in the night.

October 10, 1884.—Fifteen seal carcasses were found on Zapadnie rookery. A guard was stationed, and the following night the crew of a schooner made an unsuccessful attempt to land. The boats were fired on by the guard and retreated.

July 20, 1885.—A party landed under the cliffs in a secluded place and killed about five hundred adult female seals and took the skins away with them. They killed about five hundred pups at the same time, leaving them unskinned.

July 22, 1885.—A party landed at Starrie Arteel rookery and killed and skinned 120 seals, the skins of which they left in their flight, when pursued by the guard. They killed also about 200 pups, which were left unskinned.

November 17, 1888.—A crew landed and killed some seals at Zapadnie; how many is not known, but at this season of the year the number must have been small, because the seals have nearly all migrated.

September 30, 1889.—Eighteen dead seals and four clubs were found on a beach near a rookery. It is not known whether any others were killed.

An examination of the St. Paul record does not show any destructive raids upon the island. It is a fact, however, that in July, 1875, prior to the beginning of the record, the crew of the schooner *San Diego* landed on Otter Island, a small islet 6 miles from St. Paul, and killed and skinned 1,660 seals. She was captured before leaving the island, and both the skins and vessel were condemned to forfeiture by the United States court.

The reports of the superintendent for the lessees show that it was the custom of the company's agents on the islands to frequently patrol the rookeries whenever the weather was such that a landing could be effected on them, and to keep watchmen at points distant from the villages, whose special duty it was to report every unusual or suspicious occurrence. For this purpose the northeast point of St. Paul Island was connected with the village by telephone in 1880, a distance of 12 miles, and the natives instructed in the use of the instrument. If any raids upon the islands, other than those herein mentioned, had occurred, I am sure they would have been detected and reported to this office. No such reports are on file.

H. H. McIntyre, having been duly sworn, deposes and says: I was superintendent of the seal fisheries of Alaska

H. H. McIntyre, p. 30. from 1871 to 1889, inclusive. The records above referred to were kept under my direction by my assistants on the respective islands. I was in frequent correspondence with these assistants when not personally present and am sure that anything worthy of notice would have been promptly reported to me. I believe that these records contain a true account of all destructive raids upon the islands. If there had been any others I should have heard of them. Every unusual occurrence at any point about the islands was noted by the keen-eyed natives and at once reported to the company's office, the matter was investigated, and a record of it entered in the daily journal. I am confident that the only marauding expedition that ever succeeded in killing more than a few dozen seals each were those of 1875, upon Otter Island, and of 1885 upon St. George Island, the details of which are set forth by Mr. Heilbronner in the foregoing affidavit. If there were others of which no record appears,

the number of seals killed was comparatively very small and had no appreciable effect upon seal life.

Sometimes they try to land on the rookeries, but we drive them off with guns and they never get many seals that way.

I do not mean to say that the seals were injured because a few were killed on the rookeries, when men from schooners landed on the islands in the night or when the fog was very thick, for the numbers killed in that way never amounted to much, as it is not often the raiders can land on a rookery and escape with their plunder.

When on a raid we would watch for a favorable opportunity to make a landing, and then kill male and female fur-seals indiscriminately. Probably for every 500 marketable skins secured, double that number of pups were destroyed.

I. M. Lenard, p. 217.

While I was on the island there were not more than three or four raids on the rookeries to my knowledge, and I think that the destruction to seal life by raiding rookeries is a small part of 1 per cent as compared with the numbers taken by killing in the water.

A. P. Loud, p. 39.

It is often difficult to entirely prevent poaching on the islands, although in my judgment it has not been of sufficient importance on the Commander Islands to have any perceptible influence in the diminution of the herd.

Jno. Malowansky, p. 197.

I remember seeing an occasional sealing schooner in Bering Sea as long ago as 1878, but it was in 1884 they came in large numbers. At first it was supposed they intended to raid the rookeries, and we armed a number of men and kept guard every night, and we drove off any boats we found coming to a rookery. Sometimes in a dense fog or very dark night they landed and killed a few hundred seals, but the numbers taken in this manner are too small to be considered.

A. Melovedoff, p. 143.

One cause of destruction is raiding, which has been done upon the shores of the islands. A half dozen such raids are known to me personally; but while it is not possible for me to state with certainty the skins actually secured by such raids, I believe that, although such raiding is detrimental, its injurious effect as compared with the disastrous results of pelagic sealing is insignificant.

T. F. Morgan, p. 65.

There were only, as I recollect, four raids on the islands while I was there; but little or no damage was done, and seal life was not perceptibly affected by such marauding.

J. H. Moulton, p. 72.

From my personal knowledge of the number of seals killed upon the Pribilof Islands by raids upon the rookeries during my residence there, and from information gained through other sources, I conclude that the

S. R. Nettleton, p. 76.

number of fur-seals killed is infinitely small compared with the number killed in pelagic sealing; so small, in fact, as to have no appreciable effect upon seal life upon the islands.

I am told that the diminution of seal life has been attributed to raids by poachers upon the seal islands. Very few of *Gustave Niebaum, p. 78.* these have occurred, and the number of skins obtained by the poachers has been comparatively infinitesimally small. I think the whole number obtained by them in this way does not exceed 3,000 or 4,000 skins. We were accustomed always to maintain a patrol and guard upon the rookeries whenever the weather was such that poachers could land upon them, and upon the least suspicious circumstances measures were taken to forestall any attempts to steal the seals. The sea is usually rough in the fall when poachers try to get in their work; the shores are, at most places, inaccessible from boats, and the natives are vigilant and active. If marine hunting is stopped, they can be safely trusted to defend the property upon which their very existence is dependent, as they have done repeatedly, against any single schooner's crew.

There were occasional raids made upon the islands [Commander] by poachers during our twenty years' lease, but they *Gustave Niebaum, p. 203.* were generally unsuccessful in killing any considerable number of seals, and their raids had no appreciable effect upon the rookeries.

During those years the lawless occupation of seal poaching was in its infancy. Marauding vessels, it is true, appeared from time to time in these waters, but the islands were so well guarded that during my term of office there never was a successful raid or landing upon either of the islands of St. Paul or St. George. The only landing upon any island of the group was made in June, 1881, upon the unoccupied island of Otter (not included in the lease), as described in my special report to the Secretary of the Treasury, dated July 4, 1881. On that occasion a predatory schooner succeeded in landing a boat's crew, who killed forty or fifty seals, when they were driven off by a boat sent by me for that purpose from St. Paul, about 6 miles distant.

Until 1884 sealing schooners were seen but very seldom near the islands or in Bering Sea, and the few seals taken *J. C. Redpath, p. 151.* by the hunters who raided the rookeries occasionally are too paltry to be seriously considered, because the raids were so few, and the facilities for taking many seals off so utterly insignificant.

There was but one successful raid on the rookeries while I was upon the island, and but 125 seals were killed. I do not consider that raids on the rookeries have anything to do with the decrease of the number of seals. *T. F. Ryan, p. 175.*

B. F. Scribner, p. 90. While I was on the islands there were no raids on the rookeries, and seal life was never depleted at that time by such means.

There was but one raid on the rookeries while I was there, and that took place on Otter Island, about sixty skins being taken. After that raid the Government kept a man on Otter Island during the entire summer to protect it from marauders. Raids on the islands never affected seal life to any extent.

I do not remember the precise date of the first successful raid upon the rookeries by sealing schooners, but I do know that for the past ten years there have been many such raids attempted, and a few of them successfully carried out, and that as the number of schooners increased around the islands, the attempted raids increased in proportion, and it has been deemed necessary to keep armed guards near the rookeries to repel such attacks. Although a few of the raids were successful, and a few hundred seals killed and carried off, from time to time during the past ten years, the aggregate of all the seals thus destroyed is too small to be mentioned when considering the cause of the sudden decline of seal life on the Pribilof Islands.

Danl. Webster, p. 183.

MANAGEMENT OF ROOKERIES NOT THE CAUSE.

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In studying the causes of diminution of seal life there were found a variety of actual and possible sources of destruction which are effective in varying degrees. Fortunately the most important of these sources were directly under my observation, and the following facts presented themselves for consideration.

J. Stanley Brown, p. 17.

The restrictions upon the molestation of the breeding grounds and upon the killing of females has been imperative both on the part of the Government and lessees since the American ownership of the islands, so that in the taking of seals no injury could possibly have occurred to the females and bulls found thereon.

For some years past the natives were permitted to kill in the fall a few thousand male pups for food. Such killing has been prohibited. It is not apparent how the killing of male pups could have decreased the number of females on the breeding grounds.

If the seals were as numerous to-day on the Pribilof Islands and the manner of driving and killing conducted in the same manner as during my experience there, one hundred thousand male seals of from 2 to 4 years of age could be taken from the hauling grounds annually for an indefinite period without diminution of the seal herd.

Chas. Bryant, p. 9.

Because of the manner of killing seals on the islands, the precautions taken to kill only males of from 2 to 5 years, and the careful limitation of the numbers taken, I am fully convinced that the taking of seals on the Pribilof Islands could never affect the numbers of the seal herd or deplete the rookeries.

I was in the employ of the Alaska Commercial Company, the former lessees of the seal islands, and their instructions *Leander Cox, p. 417.* were to use the utmost care in taking their quota of seals, so that there might be no diminution in number from year to year, and I personally know those instructions were rigidly enforced.

And that if no other agency is at work in destroying seal life 100,000 bachelor seals can be taken from the Pribilof Islands yearly for an indefinite period, provided the rookeries were in the same condition they were in 1871. Of this I am convinced from the fact that the seals continued to increase during all the time I was upon the islands, when 100,000 were killed every year, except one, when 95,000 were taken.

The management of the sealries upon Copper Island, under Russian occupation, was left wholly to the native chiefs *C. F. Emil Krebs, p. 195.* and ignorant laborers of the Russian American Company. The work of killing the seals and curing the skins was done by them in a very unsystematic, careless way; but even then it was understood that, as the seals are polygamous, the surest way to secure an increase of the herd was to kill off surplus males and spare the females, and this was systematically practiced, resulting, as far as I am aware, most satisfactorily. After the expiration of the franchise of the Russian American Company, in 1867 I think it was, and their abandonment of the island and the execution of the lease to Hutchinson, Kohl & Co., in 1871, several different parties visited the island, killed seals injudiciously, and inflicted great injury upon the rookeries. They were restrained to some extent by the natives from indiscriminate slaughter, but I have no doubt they killed more male seals than they ought to have done, and perhaps also some females. Upon my arrival at the island, in 1871, the native chief told me that the seals were not as plentiful as they had been formerly. I announced that we intended to secure 6,000 skins that year. They protested that it was too many, and begged that a smaller number be killed for one year at least. We, however, got the 6,000 skins as proposed, and an almost constantly increasing number in every subsequent year as long as I stayed on the islands, until in 1880 the rookeries had so developed that about 30,000 skins were taken, without in the least injuring them. This is proved by the fact that the increase for the next ten years allowed still larger numbers to be killed, amounting, I think, in one of the years of the second decade of the lease to about 40,000 skins.

In order to secure uniformity in the methods pursued, respectively, upon the Pribilof Group and Commander Islands the respective lessees of the two interests sent Capt. Daniel Webster, an expert sealer of many years' experience in the business, and who was at the time in the service of the Alaska Commercial Company at St. Paul Island, to assist and instruct me through the summer of 1874 in the best manner of handling seal droves, salting skins, and, generally, in the conduct of the business. In working under his direction I found that the methods pursued by the respective parties upon the different sealries did not differ in any essential feature. The main object in both places was to select good skins for market and spare all female seals and enough vigorous bulls to serve them. When the supply of bulls is more than enough I have no doubt the number of offspring is diminished. The bulls, when overnumerous, fight savagely for the possession of the cow

seals and unintentionally destroy many young in their conflicts. The healthiest condition of a rookery is, no doubt, when, under the laws of polygamous reproduction for this species, the proportion of the sexes is properly balanced.

Following the surrender of occupancy of these islands by the Russian American Company in 1868, the sealeries were left open to all parties and various expeditions visited them unrestricted by any governmental control. Their catches amounted in 1868 to about 15,000; in 1869 to about 20,000, and in 1870 to about 30,000 skins. *Gustave Niebaum, p. 202.*

In 1871 the Russian Government executed the lease to Hutchinson, Kohl & Co., and it was found necessary to restrict the killing for this year to about 6,000 skins, because the rookeries had been largely depleted by the excessive killing, unwise methods, and heedless husbandry. The result of improved methods showed themselves at once, and the rookeries steadily increased in size and number of occupants. We were thus enabled to procure an almost constantly increasing number of skins from year to year during the whole term of our lease. We were unrestricted as to the numbers to be taken, and after the first two years of the lease were urged by the Russian authorities upon the islands to take more than we wanted in view of the condition of the seal-skin market.

I revisited the islands on various occasions subsequent to 1871, and my observations confirmed the fact that we were moving in the right direction to secure an increase of the rookeries. The experience of the whole term of the lease proves conclusively that our policy in conducting the business was a wise one and that our manner of handling, managing, and killing the seals was in every respect what it should have been. This policy was predicated upon the custom of the Russian American Company observed during many years and strengthened by my own actual experience in conducting the business of taking seals upon the Pribilof Islands in 1867-'68 and 1869, and more particularly during the season of 1868, when there was unrestricted sealing done by various parties regardless of the future of the rookeries. The pernicious effects of the methods pursued by them were at once observed, and measures immediately taken by me, aided by the natives, over whom I had complete control, to correct their practices and bring them within the reasonable customs already proved efficacious in preserving the rookeries from annihilation.

If the right proportion is maintained between the sexes, the greatest possible number of progeny is assured. As long as we were able to keep exclusive control, undisturbed by outside influences, we maintained the steady increase of the herd and profitable returns from the industry. When outside parties, beyond our jurisdiction, carried on their destructive work, to any considerable extent, the equilibrium of the sexes was destroyed, any calculation of those in charge of the islands was nullified or miscarried, and the speedy decrease and ultimate destruction of the seals and sealing industry made certain. *H. H. McIntyre, p. 53.*

We protect and take good care of the seals, and if they were not killed in the sea we could make them increase upon the islands so that they would be as many *A. Melovedoff, p. 145.* as before.

We can care for and protect the mature seals as well as the cattle on the ranges are cared for and protected, and if *S. Melovidor, p. 147.* they could be guarded from the hunters in the sea we could by good management again make the rookeries as large as before.

Naturally the cause of this diminution was a matter of interest and inquiry. It was not evident that it was from causes incident to the taking of seals upon the island. *T. F. Morgan, p. 64.*

The greatest care was exercised in the driving; under precisely similar conditions the herd had increased in former years; the number of skins originally apportioned to St. George Island was reduced at an early date, and only increased in proportion to the rookeries' expansion. No disturbance of the rookeries was permitted, even the presence of dogs and use of firearms being prohibited during the presence of the seals.

The management of the rookeries the first fifteen years of the Alaska Commercial Company's lease resulted in a large increase of seals. The same business management continued, and the same system was pursued to the end of the term, yet in the last five years the rookeries fell off. Clearly it was through no fault of the company, and resulted from some cause beyond their control. I do not think the Alaska Commercial Company made any mistakes in managing the seal herd. They handled them in every respect as I would have done if they had been my own personal property, and as I would do if they were now to come into my hands. If they erred in any particular in their management, it was in their futile attempt in 1888 and 1889 to stop the waste of seal life at the island spigot while it was running out at the bunghole of pelagic sealing.

The record shows that we did not finish the catch as early in 1885 as had been done in former years. I do not think this was from any lack of seals, but was caused by greater care in making our selection of animals to be killed.

I again visited St. Paul Island and remained there several days in the summer of 1885, but saw no evidence then, or *Geo. H. Temple, p. 154.* when formerly on the island, to lead me to think that the lessees were damaging the rookeries, or doing anything different from what a judicious regard for the future of the industry would dictate.

In giving this evidence I am as free from prejudice as is possible when entertaining, as I do, a feeling that the late lessees treated me in some measure unjustly, nor have I any interest whatever in the seals or the products of the sealeries.

EXCESSIVE KILLING THE ADMITTED CAUSE.

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We find that since the Alaska purchase a marked diminution in the number of seals on and habitually resorting to the Pribilof Islands has taken place; that it has been cumulative in effect, and that it is the result of excessive killing by man. *Joint report, p. 309 of The Case.*

PELAGIC SEALING THE SOLE CAUSE.*Opinions.—American Commissioners.*

Page 177 of The Case.

Having answered the first of the two queries relating to conditions of seal life at the present time, the second becomes important. It is: Has the decrease in numbers been confined to any particular class of seals, or is it most notable in any class or classes? In answer to this it is our opinion that the diminution in numbers began and continues to be most notable in female seals.

As a matter of fact, there is sufficient evidence to convince us that by far the greater part of the seals taken at sea are females; indeed, we have yet to meet with any evidence to the contrary. The statements of those who have had occasion to examine the catch of pelagic sealers might be quoted to almost any extent to the effect that at least 80 per cent of the seals thus taken are females. On one occasion we examined a pile of skins picked out at random, and which we have every reason to believe was a part of a pelagic catch, and found them nearly all females. When the sealers themselves are not influenced by the feeling that they are testifying against their own interests they give similar testimony. The master of the sealing schooner *J. G. Swan* declared that in the catch of 1890, when he secured several hundred seals, the proportion of females to males was about four to one, and on one occasion in a lot of sixty seals, as a matter of curiosity he counted the number of females with young, finding 47.

The decrease in the number of seals is the result of the evil effects of pelagic sealing.

Report of American Commissioners, p. 379 of The Case.

Opinions.—Dr. Allen.

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13. From the foregoing summary it is evident that the decline in the number of the killable seals at the Pribilof rookeries and the immense decrease in the total number of seals on the Pribilof Islands are not due to any change in the management of the seal herd at the islands, but to the direct and unquestionably deleterious effects of pelagic sealing. At the islands the killing is regulated with reference to the number of killable seals on the rookeries; the designated quota is limited to non-breeding young males, and every seal killed is utilized. The killing, as thus regulated, does not impair the productiveness of the rookeries. In pelagic sealing the slaughter is indiscriminate and unlimited, and a large proportion of the seals killed are lost. The catch also consists almost wholly of breeding females, which at the time of capture are either heavy with young or have young on the rookeries depending upon them for sustenance. Thus two or more seals are destroyed to every one utilized, and nearly all are drawn from the class on which the very existence of the seal herd depends.

Article by Dr. J. A. Allen, p. 410, Vol. I.

Opinions—Experts.

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I have always taken a great interest in the sealing industry, and felt a great desire to have them protected from destruction, and I say, without hesitation, that the great decrease in the number now annually arriving at the seal islands is due entirely to the killing of female seals by pelagic hunters.

From my general knowledge of natural history, from my study of the habits of seals, as well as from the opportunities I have had to acquaint myself with the sources of destruction which are at work, I firmly believe that pelagic sealing would not only account for the diminution of the seal herd, but if continued the seals will inevitably be commercially destroyed.

Jas. Armstrong, p. 2. I believe there has been a great decrease of seals on the islands since I left there, and this is no doubt due to pelagic hunting.

My people wondered why this was so, and no one could tell why until we learned that hunters in schooners were shooting and destroying them in the sea. Then we knew what the trouble was, for we knew the seals they killed and destroyed must be cows, for most all the males remain on or near the islands until they go away in the fall or forepart of the winter. We also noticed dead pups on the rookeries, that had been starved to death.

If they had not killed the seals in the sea there would be as many on the rookeries as there was ten years ago. There was not more than one-fourth as many seals in 1891 as there was in 1880. We understand the danger there is in the seals being all killed off and that we will have no way of earning our living. There is not one of us but what believes if they had not killed them off by shooting them in the water there would be as many seals on the island now as there was in 1880, and we could go on forever taking 100,000 seals on the two islands; but if they get less as fast as they have in the last five or six years there will be none left in a little while.

Upon examining the Bering Sea catch for 1891, as based upon the records of the Victoria custom-house, I ascertained *J. Stanley Brown, p. 19.* that nearly 30,000 seals had been taken by the British fleet alone in Bering Sea during the summer of 1891. When there is added to this the catch of the American vessels, the dead pups upon the rookeries, and allowances made for those that are killed and not recovered, we have a catch which will not only nearly reach in numbers the quota of male seals allowed to be taken upon the islands in years gone by, but we have a catch in the securing of which destruction has fallen most heavily upon the producing females. This is borne out by a further fact. The young bachelor seals can lie idly on the hauling grounds and through the peculiarities of their physical economy sustain life with a small supply of food, but the

cows must range the ocean in search of nourishment that they may meet the demands made upon them by their young. That seals go a great distance from the islands I know from personal observation, for we saw them 120 miles to the northward of the island on the way to Nunivak. That the females outnumber the males ten to one is well known, otherwise the hauling ground would present such an array of killable seal that there would be no necessity for the Government to suspend the annual quota. It inevitably follows that the females are the class most preyed upon in Bering Sea. No class of animals which bring forth but a single offspring annually can long sustain itself against the destruction of the producers.

As a result of my investigations I believe that the destruction of females was carried to the point in about 1885 where the birth rate could not keep up the necessary supply of mothers, and that the equilibrium being once destroyed and the drain upon the producing class increasing from year to year from that date, the present depleted condition of the rookeries has resulted directly therefrom.

When we first noticed that the seals on the rookeries were not so many as they used to be we did not know what was wrong, but by and by we found that plenty *Karp Buterin, p. 103.* of schooners came into the sea and shot seals, and we often found bullets and shot in seals when we were skinning them.

And then we found plenty dead pups on the rookeries, more and more every year, until last year (1891) when there were so many the rookeries were covered with them, and when the doctor (Akerly) opened some of them there was no milk or food in their stomachs. Then we all knew the cows had been shot when they went into the sea to feed, and the pups died because they had nothing to eat. Plenty schooners came first about eight or nine years ago, and more and more every year since; and the seals get less and less ever since schooners came; and my people kept saying "no cows," "no cows."

First the cows get less, and then the "bachelors" get less, and the company agent he says "kill smaller seals," and we kill some whose skins weigh only $4\frac{1}{2}$ pounds, instead of 7 pounds, same as they always got. Then we could not get enough of seals, and at last we could hardly get enough for meat.

Schooners kill cows, pups die, and seals are gone.

The cause of this decrease I believe to be due to the promiscuous killing of the seals by hunters in the open sea and the disturbance caused by their presence in destroying the mother seals and scattering the herds. *Jas. H. Douglass, p. 419.*

And I know of no other cause for the decrease than that of the killing of the cows at sea by the pelagic hunters, which I believe must be prohibited if the Alaskan *C. L. Fowler, p. 26.* fur-seal is to be saved from total destruction.

In my opinion, pelagic sealing is the cause of redriving on the islands, the depletion of the rookeries, and promises to soon make the Alaska fur-seal herd a thing *Chas. J. Goff, p. 113.* of the past. If continued as it is to-day, even if killing on the islands was absolutely forbidden, the herd will in a few years be exterminated.

During my visits to the islands of St. Paul and St. George for the last twenty years I have carefully noticed that
M. A. Healey, p. 27. those islands were visited by great herds of fur-seals during the breeding season, and that although 100,000 male seals were taken annually at the islands by the lessees no perceptible diminution in their numbers was noticeable until within the past few years, when the killing of seals in the open sea on the part of fishing vessels became prevalent, since which time there has been a very perceptible diminution in the number of seals seen in the water of the Bering Sea and hauling grounds on the islands. This decrease has become alarmingly sudden in the last three or four years, due I believe to the ruthless and indiscriminate methods of destruction employed by vessels in taking female seals in the open sea.

I made the conditions of seal life a careful study for years, and I am firmly of the opinion their decrease in number
W. S. Hereford, p. 36. on the Pribilof Islands is due wholly and entirely to hunting and killing them in the open sea.

When, in 1886, we all saw the decrease of seals upon the hauling grounds and rookeries, we asked each other what
Aggot Kushen, p. 128. was the cause of it, but when we learned that white men were shooting seals in the water with guns we knew what was the matter; we knew that if they killed seals in the water that they must be nearly all females that were going out to feed, for the males stay on the islands until they get ready to go away in the fall or winter. It was among the cows we first noticed the decrease, and as we never kill the cows on the islands we knew they must be killing them in the water.

There can be no question, in my opinion, about the ultimate result to the rookeries of marine sealing. If it is continued as it has been for the last two or three years the seals will be so nearly wiped out of existence in a short time as to leave nothing to quarrel about; and an article of commerce that has afforded a vast amount of comfort and satisfaction to a large class of wearers and a large income to both American and British merchants will be a thing of the past.
Isaac Liebes, p. 455.

Abial P. Loud, p. 38. I am convinced that the decrease in the rookeries was caused entirely by open-sea sealing.

That there were no destructive agencies at work upon the island that would not have left the rookeries in better condition
H. H. McIntyre, p. 46. 1890 than they were in 1870; that until the effects of the true agent of destruction began to be manifest there was an excess of male life on the islands sufficient to permit of an annual catch of 100,000 seals for an indefinite period without jeopardizing the rookeries; that if it be remembered that the seals taken in the water by hunters are chiefly females, that their young die with them and that all of those killed are not secured, and if then an examination be made of the pelagic skins actually sold during the past twenty years the real source of the depletion of the rookeries will be found; that in my judgment such depletion was caused by pelagic sealing, and that it grew greater from year to year as the number of so-called poaching schooners increased; and that its effects began to

manifest themselves about 1885 or 1886; that the depletion on both hauling and breeding grounds is accounted for by the fact that the catch of said pelagic sealers consists of at least 85 per cent cows; that said cows when taken in the North Pacific are in the majority of cases with pups, and in Bering Sea are so-called milking females; that whenever a milking cow is killed, her pup on the rookeries dies of starvation. In support of this fact last stated, the number of dead pups during the last four years I was upon the islands increased annually; that the effect of the comparatively few raids upon the rookeries themselves, while injurious, bear but a small ratio to the enormous damage done by the pelagic hunting.

That those in charge of said islands did not when said decrease on said rookeries commenced know conclusively the cause thereof; that my opinion then that it was caused by pelagic sealing, but had been informed and believed that the United States Government intended to seize all such poaching vessels; that relying upon such information I authorized the taking of seals as before; that such protection of seal life was not fully carried out in Bering Sea and the North Pacific by reason of England's interference, and that the rookeries were thus depleted.

From statements made by such personal acquaintances and friends I became aware of a rapid decrease in seal life in Alaska, and reports of pelagic sealing, as made *H. W. McIntyre, p. 138.* public through the press, combined with previous personal knowledge of affairs as existing prior to 1882, leaves no possible doubt as to the cause of such decrease of seals. Pelagic sealing as practiced prior to the year 1882 had no apparent effect upon seal life, and even when to this was added the taking of a definite number year after year under lease from the United States Government, there was still a constant increase of seals observed; I am, therefore, fully confirmed in the belief that the decrease in their numbers is due solely to the indiscriminate killing at sea of all ages, regardless of sex, as practiced since 1884.

He further stated that the seals had rapidly decreased since sealing vessels had appeared, but that before the inroads of these seal hunters there was no trouble in obtaining the full quota of the best grades of skins, as the herds had previous to that time been noticeably increasing.

Q. To what do you attribute the decrease in the number of seals on the rookeries?—A. To the great number of cows killed by poachers, and consequently less pups *Anton Melovedoff, p. 139.* are born on the rookeries.

Q. How do you know that cows have been killed by poachers?—A. I have handled and seen a great number of skins captured by the revenue cutters from the poaching vessels, and there were very few male skins among them; also have seen among them a great number of unborn pups. Twice upon the rookeries I have seen cows killed and left there by the poachers.

I know of no other explanation than this: The cows are shot and killed when they go into the sea to feed and the *Anton Melovedoff, p. 144.* pups die on the rookeries. This, I think, is the true solution of the vexed question, "What has become of the seals?"

Since 1883, however, there is said to have occurred a very material diminution of the seal life on the Pribilof Islands, *J. M. Morton, p. 69.* due, as it is claimed, to a large and indiscriminate slaughter of these animals in the waters of Bering Sea and the Pacific Ocean. The cause assigned for this loss is undoubtedly the true one. If no other proof were forthcoming in relation to it the large display of dead pups on the rookeries would in itself furnish all the evidence required. Such diminution could not, in my opinion, be the result of the ordinary yearly slaughter for skins. It is shown that an appreciable expansion of the rookeries took place after twelve or fourteen years of such slaughter, and I think this fact conclusively demonstrates that the number of seals which the law permitted to be killed each year was not greater than the known conditions of the seal's life would safely warrant.

From the experience gained and observations made during three killing seasons, from the information gleaned *Jos. Murray, p. 74.* from men who have devoted their lives to the practical side of the seal question, and from the books and reports in the Government offices on the islands, I am able to say that, in my opinion, there is only one great cause of the decrease of the fur seal, and that is the killing of the females by pelagic hunting.

I believe this decrease is owing to the large number of vessels engaged in hunting the fur seal at sea and the indiscriminate methods employed by these sealing vessels in taking skins. *Arthur Newman, p. 211.*

The practice of pelagic seal hunting was followed by the northwest coast Indians from their earliest history, but *Gustave Niebaum, p. 78.* amounted to so little as to be inappreciable on the islands. Even after white hunters engaged in it in a limited way our losses from this source were attributed to the marine enemies of the seals, and was so far overcome by the good management on the islands as to permit the growth of the herd to continue so long as it was limited to a few vessels and confined to the vicinity of the Oregon, Washington, and British Columbian coasts. But even before any considerable slaughter had taken place in the waters of Bering Sea, as early as 1882, it was noticed that the rookeries had stopped expanding, though they were treated in every way as they always had been. An examination of the London Catalogue of seal-skin sales shows that the "Victoria catch" already aggregated a very considerable number of skins and now brings home the conviction that pelagic sealing, when confined almost wholly to the Pacific, is still a very dangerous enemy of seal life on the islands.

After 1886 the force of pelagic hunters was greatly augmented, and became more and more aggressive, and their field of operations widely extended, until they appeared in alarming numbers in Bering Sea in 1884 and 1885. In 1887 we were forced to commence taking smaller skins in order to obtain our quota and preserve enough breeding bulls. In 1888 they were still smaller, while in 1889 more than half of them were such as we would not have killed in former years, and we called the attention of the Treasury Department to the evident diminution of seal life, and recommended that fewer seals be killed in future. There

can be no question as to the cause of the diminution. It is the direct result of pelagic sealing, and the same destruction, if continued a few years longer, will entirely dissipate any commercial value in the rookeries, if it does not, indeed, annihilate them.

In my opinion the solution of the problem is plain. It is the shotgun and the rifle of the pelagic hunter which are so destructive to the cow seals as they go backwards and forwards to the fishing banks to supply the waste caused by giving nourishment to their young. *L. A. Noyes, p. 84.*

At this time they are destroyed by thousands, and their young of but a few weeks old must necessarily die of starvation, for nature has provided no other means of subsistence for them at this time of life.

Q. How do you account for it?—A. By the numbers, principally females, that are killed in the waters by marauders. *J. C. Redpath, p. 140.*

I saw no diminution of seal life during my three years on the island. The outlines of the rookeries remained just about the same from year to year. I was told at the *Leon Sloss, p. 91.* time that there had formerly been a large increase, and did not then understand why it did not continue, as every condition seemed favorable for it. There were, apparently, an abundance of bulls for service; every cow seemed to have a pup and all were healthy and in good condition. No females were killed, and in the natural order of growth there ought to have been at this time a constantly increasing area covered with breeding rookeries. Yet such was not the case. The explanation of the matter came later when we fairly awoke to the fact that our animals were being slaughtered by tens of thousands in the North Pacific. I knew in a commercial way from our sales catalogue that a very large number of "Victoria skins," as they were called, were being sent to market, and that this number grew constantly larger; but I did not then know, as I now do, that each skin sold represented a waste of two or three and perhaps even four or five seals to obtain it. Nor was any attention given to the now well-known fact that these animals were a part of our herd, as wrongfully stolen from us, I believe, as my cattle would be if driven in and appropriated from the highway when lawfully feeding.

Since my residence on the Pribilof Islands I have kept a very careful watch of the progress of events there, and have interviewed a great many connected with the seal industry. I am of the conviction that the reported decrease in seal life on these islands can be attributed to no other cause save pelagic sealing. While I was located at St. George Island in 1881 pelagic sealing was then and previous to that time had been of very little consequence, having very slight effect upon seal life. Not more than four or five vessels were engaged in pelagic sealing in 1881 in the waters of Bering Sea, and prior to that time a still fewer number were so engaged. But since 1881 this industry has grown yearly until now about a hundred vessels are destroying the seals in great numbers, and, as I am informed and believe, the great majority of those killed are females. Then, too, large numbers are killed in this way which are never recovered nor reported.

Scarcity of seal can be attributed to no other cause than pelagic hunting and the indiscriminate shooting of seals
Jno. C. Tolman, p. 222. in the open sea, both in the North Pacific and Bering Sea.

I am sure the decrease is caused by the killing of female seals in the open sea, and that if their destruction by the in-
Chas. T. Wagner, p. 212. discriminate killing in the open sea is permitted to continue it will only be a very short time until the herd will be entirely destroyed.

And I have no doubt that it is caused by the killing of female seals
M. L. Washburn, p. 489. in the water, and, if continued, will certainly end in their extermination.

I am convinced that if open-sea sealing had never been indulged in to the extent it has since 1885 or perhaps a year
Dan'l Webster, p. 183. or two earlier, 100,000 male skins could have been taken annually forever from the Pribilof Islands without decreasing the seal herd below its normal size and condition. The cause of the decrease which has taken place can be accounted for only by open-sea sealing; for, until that means of destruction to seal life grew to be of such proportions as to alarm those interested in the seals, the seal herd increased, and since that time the decrease of the number of seals has been proportionate to the increase in the number of those engaged in open-sea sealing.

From 1884 to 1891 I saw their numbers decline, under the same careful management, until in the latter year there was not more than one-fourth of their numbers coming to the islands. In my judgment there is but one cause for that decline and the present condition of the rookeries, and that is the shotgun and rifle of the pelagic hunter, and it is my opinion that if the lessees had not taken a seal on the islands for the last ten years we would still find the breeding grounds in about the same condition as they are to-day, so destructive to seal life are the methods adopted by these hunters.

Deponent, by reason of his experience in the business, his observation, conversations with those physically engaged
C. A. Williams, p. 538. in catching and curing skins, and the custody of herds on the islands, feels justified in expressing the opinion that the numbers of the seal herds have, since the introduction of the open-sea sealing on a large scale, suffered serious diminution. The killing of large numbers of females heavy with young can not, in deponent's knowledge, but have that effect.

Futhermore, I made careful inquiry of the people on the islands, both native and white, and of those who were or had
W. H. Williams, p. 93. been employed as masters or mates on sealing vessels, and others interested one way or another in the capture of fur-seals for food or for profit, and failed to find any of them but who admitted that the number of seals in the Bering Sea was much less now than a few years since, and nearly all of them gave it as their opinion that the decrease in number was due to pelagic hunting, or, as they more frequently expressed it, the killing of females in the water.

Opinions—Indian Hunters.

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Fur-seals were formerly much more plentiful, however, but of late years are becoming constantly scarcer. This is, we think, owing to the number of vessels engaged in hunting them at sea. *Jno. Alexandroff et al., p. 229.*

Fur-seals were formerly observed in this neighborhood in great numbers, but of late years they have been constantly diminishing, owing to the large number of sealing vessels engaged in killing them. *Nicoli Apokokes et al., p. 224.*

I have noticed that seal have decreased very rapidly in the last three years, owing to too many schooners engaged in sealing along the coast of Alaska and Bering Sea. *Adam Ayonkee, p. 255.*

The seal are not near as plentiful as they used to be. The cause of the decrease is, I think, too many schooners hunting them off Prince of Wales Island and around Dixons Entrance. *Maurice Bates, p. 277.*

Seal are not as plentiful on the coast as they used to be. They have been decreasing very fast the last few years. I think this is caused by the indiscriminate killing in the water. *Wilton C. Bennett, p. 356.*

Seal are getting very scarce. I think the cause of the scarcity is too many people hunting seal. *Edward Benson, p. 277.*

Seals were very plenty in the straits and around the cape until about six years ago, when the white hunters came in schooners and with shotguns and commenced to kill them all off, and now there is none in the straits, and we can not get but one or two where we used to get eight or ten. They are very shy and wild and are decreasing very rapidly. *Bowa-chup, p. 378.*

White hunters came in here about five or six years ago and commenced shooting the seals with guns, since which time they have been rapidly decreasing, and are becoming very wild. When we hunt seals with spears we creep upon them while asleep on the water and spear them. A few years ago my people would catch from eight to ten thousand seals each year; now we get only about one thousand or less. * * *

Seals used to be very numerous along the coast about Cape Flattery, and no decrease was ever noticed in their numbers until soon after the white hunters came around here—about seven years ago—and commenced shooting them. Since that time they have decreased fast and have become very shy.

They were formerly much more plentiful than now, which is owing, we believe, to the number of vessels engaged in killing them at sea. *Ivan Canotak et al., p. 229.*

Years ago seals were very plentiful from 5 to 10 miles from the shore.
Charlie, p. 304. I could see them all around in bunches of from ten to twenty each, but since the white man has commenced to kill them with the rifle and shotgun (in the last five or six years) they have decreased very rapidly.

Fur-seals have decreased very rapidly during the last five years, and *Vassili Chichinoff et al., p. 219.* we believe it is due to the large number of vessels engaged in hunting them at sea.

Have noticed the seal are decreasing very fast the last four years; *S. Chin-koo-tin, p. 257.* too many schooners are hunting them in the open waters of the Pacific Ocean and Bering Sea.

The last five years fur-seal have been growing very scarce, and it is hard to get any now. There are too many white men with schooners hunting them off Dixons Entrance, and unless it is stopped the seal will soon be all gone. *William Clark, p. 293.*

Seals are now very scarce and wild along the coast. I believe the cause of this is that white hunters have been hunting them so much with guns. *Circus Jim, p. 381.*

Seals used to be very plentiful, and I never noticed any decrease in their number until white hunters commenced coming here and killing them with guns, about six or seven years ago. Since that they have decreased very rapidly and have got very shy. Our tribe used to have no difficulty in catching 8,000 to 10,000 seals, and now we can not get a thousand. *Jas. Claplanhoo, p. 382.*

I have been out sealing on the coast this spring in a schooner that carried ten canoes, with two hunters to each canoe. *Jeff. Davis, p. 384.* We were out three days and caught 5 seals. If we had been out that long six or eight years ago with the same crew, we would have taken between 60 and 100 seals. Seals are wild and shy now, and have become very scarce. I think the reason for this is that they have been hunted so much by white hunters who use firearms.

Some years ago the fur-seal were plenty off the islands, but since the schooners have hunted them they are nearly all gone and it is hard for the Indians of this village to get any. *Eshon, p. 280.*

Seals are not so plentiful now as they were a few years ago. They began to decrease about five or six years ago. A *Ellabush, p. 385.* good many years ago I used to capture seals in the Straits of San Juan de Fuca, but of late years, since so many schooners and white men have come around here shooting with guns, that only a few come in here and we do not hunt in the straits any more. I used to catch forty or fifty seals in one day, and now if I get six or seven I would have great luck. I have to go a long distance to get seals now. Seals are wild and afraid of an Indian.

They have become so since the white man and the trader began to shoot them with shotguns and rifles. In a short time there will be no seals left for the Indian to kill with the spear.

Fur-seals were formerly much more numerous than of late years, and are each year becoming constantly scarcer. I believe this decrease is due to the number of vessels which are engaged in hunting them at sea. *Vassili Feodor*, p. 230.

And when I was a young man there were lots of seals around Queen Charlotte Islands, but now they have become scarce. The last few times I was out after them I did not see a seal. They have been growing scarcer every year since the white man began hunting them in schooners. *Frank*, p. 293.

Fur-seal are not as plenty as they used to be, and it is hard for the Indians to catch any. I think there are too many white men in schooners hunting seals around Dixon's Entrance. *Chief Frank*, p. 280.

Since the white men have been hunting the seal with schooners they have become very scarce, and it is hard for the Indians to get any in their canoes. *Luke Frank*, p. 294.

Seal have decreased on the coast very fast the last four years. The reason of the decrease is too much hunting and indiscriminate killing. *Chad George*, p. 365.

The seal are becoming very scarce, caused, I think, by the white men hunting them too much. *Chas. Gibson*, p. 281.

Seal are becoming very scarce this last three or four years and Indian hunters can hardly kill them now. Too many schooners are hunting seal, and Indian hunters have to go a long way in their canoes in order to get any, and they seldom kill one. *Gonastut*, p. 238.

Have noticed that seals are decreasing the last four years, caused, I think, by too many white men hunting seal in the waters of the Pacific Ocean and Bering Sea. *Jas. Gondowen*, p. 259.

Fur-seals have decreased in numbers of late years, and we believe it is due principally to the large number of vessels hunting them at sea. *Nicoli Gregoroff et al.*, p. 234.

The seal are not nearly as plentiful as they once were, and I think they are hunted too much by schooners. *Henry Haldane*, p. 287.

Seals are not as plentiful now as they were before white men commenced hunting them with guns around here some six or seven years ago. They are more shy now and it is much more difficult for the hunters to creep up and spear them than it was a few years ago. *Alfred Irving*, p. 387.

Years ago we could see seals all over the water. They are not so plentiful now. They have been growing less and less ever since the white man came in and began to hunt them with guns, about six or seven years ago, and so many vessels went into the business.
Ishka, p. 388.

My idea is that there are too many camp-fires around on the coast of Alaska that scares the seal out to sea. The seal smell the smoke and won't come near the land; and there are a large number of people shooting seal, which scares them away also.
Jack Johnson, p. 282.

Johnnie Johnston, p. 283. There are too many schooners hunting seal off Prince of Wales Island, and it is hard for Indians to get any in canoes.

P. Kahiktday, p. 261. Have noticed that seal are decreasing very fast the last few years along the coast, caused, I think, by pelagic hunting. * * *

Think the seals are most all killed by the pelagic seal hunters in the waters of the North Pacific Ocean, so far from the land that the Indian hunters have no chance to get any in canoes, as he only goes a short distance from the shore.

Saml. Kahoof, p. 214. Do not know why the numbers of the fur seals seen about these islands are now less than in former years.

Philip Kashevaroff, p. 262. I think the seal are about as plentiful along this coast, but much more scarce farther west. The cause of this scarcity is too much pelagic hunting.

When I was a young man the seal were very plentiful around here, but since the schooners began hunting them they have become very scarce. The white hunter destroyed the sea-otter and will soon destroy the seal. I don't like to see the schooners around here hunting seal, for they kill everything they see, and unless they are stopped the seal will soon be all gone. The sea otter is already gone.
King Kaskwa, p. 295.

Seals have been growing scarce the last five years, since the white man began hunting them with schooners, and if they are not stopped the seal will soon be all gone.
Jim Kasook, p. 298.

Seal have decreased very rapidly along this coast in the last three or four years. The decrease is caused, I think, by
Mike Kethusduck, p. 282. schooners using shotguns and rifles and killing mostly female seals.

Kinkooga, p. 240. The reason of the scarcity is, I think, that there are too many white hunters sealing in the open waters.

Seal are becoming very scarce on the coast. The reason they are becoming so scarce is that hunters shoot them with guns and kill cows with pup.
O. Klananeek, p. 283.

Seal used to be plentiful, but now they are nearly all gone. They are too much hunted by the white men with schooners. *Jas. Kloracket, p. 283.*

Seal have become very scarce the last three years, and what few there are are very wild and hard to get at. I think the reason that seal have become scarce is that they are hunted too much and too many females killed with pup. *Robert Kooko, p. 296.*

Have noticed that seal are decreasing very fast the last few years. I think the cause of the decrease is that there are too many schooners hunting seal in Bering Sea and along the North Pacific coast. *Jno. Kowineet, p. 264.*

Seal are not nearly as plentiful as in former years; have noticed the decrease in the last three or four years. Think the cause of the decrease is the great number of schooners sealing in the North Pacific Ocean and Bering Sea. *Geo. Lacheek, p. 265.*

Seals are not nearly so plentiful now as they used to be. About seven years ago white men commenced to hunt seals in this vicinity with guns, since which time they have been decreasing in numbers and have become wild and hard to catch. * * *

Seals are not so plentiful and are more shy than they used to be, and are more difficult to catch, because they have been hunted so much for the last five or six years with guns.

White hunters, in numbers, commenced to hunt them around Cape Flattery, with guns, about six years ago, and since that that time the seals have decreased very rapidly. *Thos. Lowe, p. 371.*

Since the white man with schooners has been hunting seal they have been growing scarcer every year, and unless they are stopped the seal will soon be all gone. The Indians now have to go a long way and suffer great hardships in order to get any. *Chas. Martin, p. 297.*

After careful inquiry among our oldest people and weighing my own experience and observations, I believe the decrease of the Alaskan fur-seal is due altogether to pelagic hunting. *S. Melovidov, p. 147.*

Since the schooners have commenced to hunt seal they are becoming very scarce and the Indians have to go a long ways to get the few that they do. *Matthew Morris, p. 286.*

Years ago seals were much more plentiful than they are now, and I could see them all around in bunches on the water, but since the white man came here and commenced to kill them with the rifle and the shotgun, within the last five or six years, they have rapidly decreased in number. *Moses, p. 309.*

When I was a young man seal were very plentiful off Prince of Wales Island and Dixons Entrance, but since the schooners have begun hunting seal they have become very scarce, and Indians now are obliged to go a long ways to kill any, and sometimes they will hunt for days without getting a seal.

Since the white men with schooners began to hunt seal, the last five or six years, seals have become very scarce, and it is hard for the Indians to get any now. They have to go a long way and hunt a long time in order to get one or two seals.

The last four or five years seal have been growing scarcer every year, owing, I think, to too many white men hunting seals in schooners off Queen Charlotte Islands and in Dixons.

I think the reason of the seal becoming so scarce is that there are too many white men hunting seal in the Nechantahe, p. 241. Bering Sea and the Pacific Ocean and it should be stopped.

Seal are not near as plenty as they used to be; too many hunters are Jas. Neishkaith, p. 287. catching them and indiscriminately killing them.

When I was a young man seals were much more plentiful than they are now. The last three years, since the schooners began hunting seals, they have become very scarce. It is hard for the Indians to get any now, and this year they have killed but two.

The Indian fur-seal hunters of my people all tell me that the fur-seal are becoming very scarce. Too many white men Peter Olsen, p. 288. are killing them all the time, and they kill cows with pup as well as other kinds. I am the chief of my people, and they all tell me what they know.

Seal are getting very scarce along the coast, Rondtus, p. 242. caused by the indiscriminate slaughter of seals in the open waters.

Have noticed the seal are getting scarce the last few years. The cause of the scarcity is, I think, too many schooners hunting them off Prince of Wales Island.

Since the schooners have hunted seal off the Prince of Wales Island the seals have become scarce, and it is hard for the Indians to get any in canoes. In former times they used to get plenty.

The disappearance of the fur-seal is due to the killing by pelagic seal-hunters, who appear in large numbers off this part of the coast, and the scarcity of the fur-seals is in proportion to the number of vessels engaged in seal-hunting.

Seal have become very scarce the last few years.
Too many white men are engaged in killing seal. *Martin Singay, p. 268.*

Have noticed a large decrease in seal the last three years, caused, I think, by pelagic sealing in Bering Sea and the North Pacific Ocean. *Jack Sitka, p. 269.*

Since the white man has been hunting seal with schooners they have become very scarce, and Indians are obliged to go a long way and stop away from home a long time in order to get any, and after being away there four or five days they frequently return without killing one seal, they have become so scarce. *Thomas Skowl, p. 300.*

There are no seal left now; they are most all killed off. The last ten years the seal have been decreasing very fast, ever since the white men with schooners began to hunt them. *Geo. Skulitka, p. 290.*

Seal have been growing scarce along the coast the last four years. Think there are too many schooners engaged in sealing in the North Pacific Ocean and Bering Sea. *M. Thlikahdaynahkee, p. 269.*

Have noticed a large decrease the last four years. seal hunting in Bering Sea is the cause the seal becoming scarce along the coast. *Charlie Tlaksatan, p. 270.*

Have heard all the Indians of different tribes say that seal are becoming very scarce in the last three or four years. They also say that unless the schooners are stopped from sealing in Bering Sea and the North Pacific Ocean the seal will all be gone, and none will be left for the Indians or anyone else. The seal have become so scarce of late years that I don't know much about them. *Twongkwak, p. 246.*

During the last five or six years seals have decreased in numbers very rapidly. A great many of the white men are poor hunters, and lose a great many of the seals that they shoot. They shoot, and shoot, and shoot, and don't get any seals, and that makes them wild, so that an Indian can't get near them with a spear. *John Tysum, p. 394.*

Have noticed the seal have been decreasing along the coast the last four years. Think the cause of the decrease is that there are too many schooners engaged in pelagic sealing in Bering Sea. *Jas. Unatajim, p. 272.*

Last year was a very bad season. The Indians think scarcity of seals is due to the method of hunting them adopted by the whites, by which the seals are scared away. *Francis Verbeke, p. 311.*

Have noticed the seal are decreasing very fast, particularly the last four years, caused by the indiscriminate killing of seal in the waters of the North Pacific Ocean and Bering Sea. *Charlie Wank, p. 273.*

Watkins, p. 395. So many schooners and white men are hunting them with guns all along the coast that they are getting all killed off.

Formerly the Indians hunted them for food, but nowadays white men
Weckenunesch, p. 311. and Indians hunt them for their fur, and they are rapidly diminishing in number.

Seal were always plenty in the Strait of San Juan de Fuca and along the coast until the white hunter came here and
Charley White, p. 396. commenced shooting them some six or eight years ago. Since that time they have decreased very rapidly.

Billy Williams, p. 301. Seal are becoming very scarce since the white men began hunting them in schooners.

Fred. Wilson, p. 301. Seals have become scarce the last three or four years, and the cause of it is, I think, the indiscriminate killing of seals in the water.

Seals are not near so plentiful as they were seven or eight years ago.
Wispoos, p. 397. I think the cause of this is that they have been hunted so much by white hunters, who use shot-guns and rifles.

Have noticed the seal are decreasing very fast, owing to so many
Michael Wooskort, p. 275. schooners hunting seals in the waters of the North Pacific Ocean and Bering Sea.

The seal, like the sea-otter, are becoming very scarce. I think if the schooners were prohibited from taking seal in
Yahkak, p. 246. Bering Sea and along the coast of Alaska, the seal would become plentiful and the Indians could kill them once more in canoes.

Since the white men with schooners began to hunt seal off Prince of Wales Island the seal have become very scarce
Hastings Yethnow, p. 303. and unless they are stopped from hunting seal they will soon be all gone. If the white men are permitted to hunt seal much longer the fur-seal will become as scarce as the sea-otter, which were quite plenty around Dixons Entrance when I was a boy. The Indians are obliged to go a long way for seal now and often return after two or three days' hunt without taking any.

Seal have been disappearing very rapidly the last few years, and it is hard for our people to get them. There are
Paul Young, p. 292. too many white men hunting them with schooners off Prince of Wales Island.

Walter Young, p. 303. Since the white man began to hunt seal they are becoming very scarce.

Within the last five or six years seals have decreased in number very fast and are becoming very shy, and it is difficult to creep upon them and hit them with the spear. *Hish Yulla, p. 398.*
 Years ago, the heads of seals along the coast would stick up out of the water almost as thick as the stars in the heavens, but since the white man, with so many schooners, have come and began to shoot and kill them with the guns they have become very scarce.

If so many white hunters keep hunting the seal with shotguns as they do now, it will be but a short time before they will all be gone. *Thos. Zolnoks, p. 399.*

Opinions.—White sealers.

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I have noticed a perceptible and gradual decrease in seal life for the past few years and attribute it to the large number of vessels engaged in hunting them at sea. *Andrew Anderson, p. 217.*

In the sea seals are much more timid and make off as fast as possible at the approach of a vessel, while formerly they were usually quite curious, and would sport and play about the vessel when come up with. I believe this decrease and timidity is due to the indiscriminate slaughter of the seals by pelagic sealers. *C. H. Anderson, p. 206.*

Q. To what do you attribute that decrease?— *Geo. Bell, p. 483.*
 A. I attribute the decrease to the indiscriminate slaughter of the seals.

I believe that the decrease in fur-seal life, which has been constant of late years, is due principally to the number of vessels engaged in hunting them at sea. *J. A. Bradley, p. 227.*

Seven or eight years ago, when seals were hunted almost wholly by Indians with spears, a vessel hunting in the vicinity of Cape Flattery was sure of getting several hundred skins in about three months, from March to the end of May, but at the present time a vessel is doing well if she gets a much smaller number, because the skins bring much higher prices. The records of "catches" in the last three or four years will confirm any person who examines them in the belief that the seals are decreasing in the Pacific Ocean on the American side. I have no reason to doubt that it is the same on the Russian side. At present they are hunted vigorously, and with better methods than formerly. The hunters have had more experience and understand their habits better, but notwithstanding this the catches are decreasing off the coast.

Seals were not nearly as numerous in 1887 as they were in 1877, and it is my belief that the decrease in numbers is due to the hunting and killing of female seals in the water. *Jas. L. Carthout, p. 409.*

Have noticed that seal are becoming very scarce on the coast the last few years. The cause of the scarcity of the seal, *Peter Church, p. 257.* I think, is that too many schooners in the North Pacific Ocean and Bering Sea, and the indiscriminate killing of females with pup in the water.

Q. Has there been any decrease in the quantity of seals as compared to the previous years?—**A.** I think there *Dan'l Clausen, p. 412.* has.

Q. If there is a decrease, to what do you attribute it?—**A.** To the killing and hunting of them by seal hunters.

I think the indiscriminate killing of seals in Be-*Jno. C. Clement, p. 258.* ring Sea is the cause of their scarcity along the coast.

There were not nearly as many seals to be found in 1889 as there were in 1888. I think the decrease is caused by *Peter Collis, p. 413.* the great destruction of females killed in the sea by the hunters.

Leander Cox, p. 417. I attribute this decrease [of the seal herd] to the terrible slaughter of female seals now going on in the sea.

There can be but one cause for the scarcity of seal, and that is the indiscriminate killing of them in the water, and *Wm. Duncan, p. 279.* unless that is stopped the seal must soon be exterminated. The sea-otter, which were plentiful on this coast at one time, are now scarcely seen at all, and the indiscriminate slaughter of them in the water has almost entirely exterminated the animal. Some few remain in the far north, but they are very hard to secure.

Until hunting and killing was commenced by hunters in the open sea I observed no appreciable decrease in the *M. C. Erskine, p. 422.* number arriving, which was about 1884. In my opinion the chasing of the seals and the shooting of them has a tendency to frighten them and disturb them and prevents their increasing as they would if they were left undisturbed in the waters.

The large decrease of seals in the waters of the ocean and sea must unquestionably be caused by the indiscriminate *M. C. Erskine, p. 423.* killing now going on by poaching schooners, and if not discontinued it will most certainly be a matter of a very few years before the seals will be exterminated.

The seals have most decidedly decreased in number, caused by the continual hunting and killing in the open *F. F. Feeny, p. 220.* sea.

I give them four years more, and if they keep on hunting them as they do now, there will be no more seals left worth going after. * * *

I attribute the decrease in numbers to their being hunted so much. My experience is that the seal herds in the North Pacific and Bering Sea have been greatly depleted within the last few years by the constant pursuit and killing of them in the water by hunters.

In my opinion, seals and all other fur-bearing animals are decreasing, and the cause is pelagic hunting. *William Foster*, p. 220.

Q. Has there been any decrease in the quantity of seals as compared to previous years?—A. I have not been on the islands in the last few years, but I should imagine there has been a great decrease. *Luther T. Franklin*, p. 426.

Q. To what do you attribute the decrease?—A. To the number of vessels that are up there engaged in killing seals, nearly all of which are females. Last year there were 72 vessels fitted out from Victoria alone, to say nothing of vessels that are fitted out at other places.

The seals are not so numerous off Cape Flattery as they used to be some years ago, and it is my opinion it is owing to the constant hunting by so many schooners. *Thomas Fraser*, p. 365.

Q. Has there been any decrease in the quantity of seals as compared to previous years?—A. There is a decrease of about 20 or 30 per cent less. *Edward W. Funcke*, p. 428.

Q. To what do you attribute that decrease?—A. I attribute it to them being overhunted.

I am decidedly of the opinion that fur-seal life has considerably decreased of late years, and believe it is due principally to pelagic sealing. *A. J. Guild*, p. 232.

While at anchor off St. Paul Island the pups playing about the vessel were very few, and while making a passage between Unalaska and the Pribiloff Islands, during the breeding season, did not see a dozen in the open sea during the whole trip, where formerly I met hundreds. In going from Unalaska to Atka and returning during the last of May and the first part of June of this year (1892), I did not see a single fur-seal in the water. I attribute this great decrease to the indiscriminate slaughter of the species by pelagic sealers, and their wasteful methods of securing skins. *Charles J. Hague*, p. 208.

Q. To what do you attribute this decrease?—A. *H. Harmsen*, p. 442 Too many in the business, I suppose; too many after them.

Q. Would you attribute it to the killing of the females and thereby there are not nearly as many born?—A. Certainly; it has got all to do with it.

Q. Then really the killing of the females you attribute to the decrease?—A. Yes, sir.

I am decidedly of the opinion that the decrease in numbers of seals in the North Pacific and Bering Sea is owing to pelagic hunting, and that unless discontinued they will soon become so nearly extinct as to be worthless for commercial purposes. *J. M. Hays*, p. 27.

I think the seals are not near as plenty as a few years ago, and they are much more shy and harder to catch now than
Jas. Hayward, p. 328. they were when I first went out sealing. I think this is caused by hunting them so much with guns.

Wm. Henson, p. 484. Q. If there is a decrease, to what do you attribute it?—A. I attribute it to the extermination by inexperienced hunters.

Seals are not as plentiful now as they were a few years ago. I think they are decreasing on account of their being
Wm. Hermann, p. 446. hunted so much.

I have not personally noticed any decrease in the numbers of the fur-seal species, but I think that the constant
Norman Hodgeson, p. 367. and indiscriminate slaughter of them must tend largely to that end.

Q. If there is a decrease, to what do you attribute it?—A. To the amount of seal hunters and hunting that is actually going on.
Andrew J. Hoffman, p. 447.

Seals have decreased very fast the last three years. The decrease is caused, I think, by the indiscriminate killing of
E. Hofstad, p. 260. seals in the water.

Gustave Isaacson, p. 440. Q. To what do you attribute the cause?—A. Killing off the females; whale-killers and sharks kill a good many.

Frank Johnson, p. 441. Q. To what do you attribute the cause of this decrease?—A. The increase of the fleet and killing of all the females.

My knowledge being from long experience, is that the seals are becoming gradually scarcer in the northern waters,
Jas. Kiernan, p. 450. particularly so in later years. The cause of this decrease I believe to be the indiscriminate slaughter of the mother seals. They are hunted too much, and hence mother seals are becoming scarcer, which, if not checked, will lead to their early extermination.

He also told me, from his own knowledge, that the Uchuckelset Indians had a few years ago caught off the coast
François R. King-Hall, p. 332. 1,600 seals in a season, and that now they could catch hardly any; that the white men's guns were not only destroying the seals, but driving them further from the coast.

In my opinion, fur-seal life has not only enormously decreased in numbers since 1886, but it has become greatly scattered, and grown wilder and more timid, forsaking many places where they were formerly to be found at certain seasons of the year engaged in feeding. This I attribute to the large number of vessels engaged in killing fur-seals indiscriminately at sea.

If they keep on hunting them in the Bering Sea and the North Pacific in the same way they have done in the last few years, they will exterminate them in the same way, because most all the seals killed are females. *Caleb Lindahl, p. 456.*

The young ones will all die, and every female seal you shoot makes the killing of two, because after the seal has given birth to her young the pup will starve to death on the land, or when you shoot them in the water they may have a pup inside.

I have observed a very great decrease in fur-seal life since 1885, and believe it is almost entirely due to the large number of vessels engaged in pelagic hunting. *E. W. Littlejohn, p. 457.*

The seals are much less plentiful the last year I sealed than the first. I attribute this decrease to the hunting of them in the water, and the increased number of boats and men engaged in the business in the last few years. *Wm. H. Long, p. 458.*

Q. Has there been any decrease in the quantity of seals as compared to previous years?—A. There has been a decrease.

Q. To what do you attribute the decrease?—A. *Chas. Lutjens, p. 459.* To the hunting of the seals in the Bering Sea.

There can be but one reason for the decrease, and that is they are hunted too much in the open waters. *J. D. McDonald, p. 266.*

There were not as many seals in 1890 as there were in 1889. I think there are so many boats and hunters out after them that they are being killed off. They are hunted too much. *Wm. McIsaac, p. 461.*

Seals are not as plentiful on the coast as formerly. Have noticed the decrease in the last three years; caused, I think, by the indiscriminate killing of female seal. *Jas. McKeen, p. 267.*

I was also cod fishing in 1884. There were a great many more seals in the water then than there was in 1889. In 1884, when we were cod fishing, we met the steam whaler *Thrasher*, and I heard the captain remark that it was a damned shame the way they were killing the female seals in the Bering Sea. *Wm. McLaughlin, p. 462.*

Q. To what do you attribute this decrease?—A. I think this is on account of killing those female seals when they have pups, and the business is getting so that so many vessels are going into it, and they are killing those pups off. A seal has not got a chance to go to work and increase. *Alexander McLean, p. 437.*

Q. The mother seals?—A. Yes, sir.

Q. Have you noticed any decrease in the quantity of animals in the last few years?—A. Yes, sir.

Q. To what do you attribute the cause?—A. *Danl. McLean, p. 444.* Killing off the females.

I have given up the sealing business because the slaughtering of the female seals is making them so scarce that it does not pay.
Jas. Maloy, p. 463.

G. E. Miner, p. 466. I think seals are not as plentiful as they used to be, caused, I think, by the indiscriminate killing of females with pup.

Q. To what do you attribute that decrease?—
Frank Morreau, p. 468. A. From the killing of seals, both by hunters and others.

Deponent further says that he thinks that the decrease in the number of seals found in the rookeries and the increase in the number of dead pups are caused directly by the open-sea sealing commonly called poaching.
T. F. Morgan, p. 65.

I am not able to say whether the seal herd is decreasing, but it is reasonable to suppose that where they are hunted and harassed at all times by so many hunters they are sure to be driven from their usual haunts, if not totally destroyed.
Nelson T. Oliver, p. 372.

Seals were not as plentiful in 1886 as they were in 1885. I think the principal cause of that decrease is on account of killing the females in the water, and also through their getting shy by being chased by the boats.
Niles Nelson, p. 470.

Wm. Parker, p. 345. Since the use of rifles and shotguns has become common, seals are much less in numbers and are more shy and timid.

Seals are not near as plentiful as when I went out in 1888, and I believe the decrease is due to their being hunted so much with shotguns and rifles.
Edwin P. Porter, p. 347.

I know that the seals are rapidly decreasing,
Adolphus Sayers, p. 473. and I believe it is caused by killing females in the water.

I took very great interest in the seals, because I used to hunt them myself, and I noticed a great decrease in the number of seals from what there was formerly, when Jas. Sloan, p. 477. I was on sealing voyages. It was, in fact, so marked that I called the captain's attention to it, saying that we had seen very few seals. They have been getting scarcer every year since I have been going to Bering Sea, and if something is not done right away to protect them there will be no more seals in these waters. I know as a fact that they are killing them indiscriminately, and all the hunters care about it is to get a skin. I know something about it, as I have been sailing from this coast up along those waters for nineteen years, and, as I said before, I paid particular attention to them, and I firmly believe, if they allow the killing in the sea to go on as they are now doing, it will only be a question of a few years before there will not be enough to pay any one to hunt them.

I think the seals are decreasing in number all the time, because there are more vessels out hunting after them and are killing off the female seals. *Cyrus Stephens, p. 480.*

Q. If there is a decrease, to what do you attribute it?—A. On account of so much extermination and hunting by the seal-hunters. *Gustave Sundvall, p. 481.*

I have heard that seal have been decreasing the last few years, caused, I think, by pelagic sealing. *W. Thomas, p. 485.*

The decrease, I think, is caused by the indiscriminate killing of female seals. *Rudolph Walson, p. 272.*

From what I know seals have been decreasing very fast in recent years. Think the decrease is caused by the indiscriminate killing in the North Pacific Ocean *P. S. Wittenheller, p. 274.* and Bering Sea.

My experience is that the seals have been decreasing in numbers for the last six or seven years, and within the past two or three years very rapidly, owing to the indiscriminate killing of them by pelagic hunters and vessels engaged in that business in the waters of the North Pacific and Bering Sea. *Michael White, p. 490.*

INCREASE OF SEALING FLEET.

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Pelagic sealing as an industry is of recent origin and may be said to date from 1879. In 1880, according to the official report of the Canadian Minister of Marine and Fisheries, 7 vessels and 213 men were engaged in pelagic sealing in the North Pacific, securing 13,600 skins, valued at \$163,200. The same authority states that in 1886 20 vessels and 459 men secured 38,907 skins, valued at \$389,070. In 1891 the number of United States and Canadian vessels had increased to over 100; upwards of 2,000 men were engaged, and more than 62,000 skins were secured.

The number of seal-skins actually recorded as sold as a result of pelagic sealing is shown in the following table: *Report of American Commissioners, p. 366 of The Case.*

Year.	No. of skins.	Year.	No. of skins.	Year.	No. of skins.
1872	1,029	1879	12,500+	1886	38,907
1873		1880	13,600	1887	33,800
1874	4,949	1881	13,541	1888	37,789
1875	1,646	1882	17,700	1889	40,908
1876	2,042	1883	9,195	1890	48,519
1877	5,700	1884	14,000	1891	62,500
1878	9,358	1885	13,000		

* Number estimated from value given.

That one reason for deponent's opinion that the total number of seals in the Pacific and Bering Sea has diminished—*Herman Liebes, p. 514.* very rapidly is the fact—which deponent knows from the fact that he buys so large a portion of the poachers' catch—that there are now engaged on what is called "poaching" about eighty vessels, and that about five years ago not more than ten vessels were engaged in poaching; and that the total number of skins brought in by the whole eighty vessels is now not very much greater than the number brought in five years by ten vessels. The poaching vessels a few years ago have been known to get as many as 3,000 or 4,000 skins, and deponent has bought 4,000 skins from one vessel, whereas no poaching vessel now gets more than a few hundred with the same size crew. One vessel last year sailing from Victoria made a catch of 1,900 skins, but this is now an altogether exceptional catch, and this vessel had a crew twice as large as poaching vessels formerly carried, and was equipped with from twelve to fifteen boats instead of five or six. One or two other poaching vessels also made large catches—that is, over 1,200 skins—but the average catch of the poaching vessels is not more than a few hundred each. This is true, although the poaching vessels are now equipped with much more experienced shooters, with better rifles, and with better boats than any of the vessels had five years ago. Many of the poaching vessels now have boats pointed at both ends, so that they can go backward or forward with equal ease; and the old poacher only had ordinary ships' boats. Deponent knows this to be true, because he has seen the boats and talked with the captains of the schooners about them.

I never saw many sealing schooners before 1884, but they have been coming more and more every year since, and I notice that as the schooners multiply in the sea the seals decrease on the rookeries.
Aggi Kushen, p. 128.

From 1885 to the present time the fleet of predatory vessels has constantly increased in proportion as the seal herd has decreased. * * *

A very noticeable decrease in the herd commenced, as I have already pointed out, in 1886, and was coincident in time and proportionate in extent with the number of seals destroyed in the water. The business of pelagic sealing in Bering Sea first assumed considerable proportions in 1884, and in that year dead pup seals first became numerous enough upon the rookeries to excite remark upon the islands. As the sealing fleet increased the starved animals became more numerous. In 1887 fourteen vessels were seized for illegal sealing, and the effect was seen in the following year when a much less number engaged in the business and the Bering Sea catch amounted, as I am informed, to about 34,000 skins against about 19,000 or 20,000 in 1888. The failure of the United States Government to vigorously pursue in 1888 and the following years the repressive policy so auspiciously begun in 1887, led to a large increase of the sealing fleet and corresponding destruction of the herd, but the prohibition of pelagic sealing nevertheless continued, and the usual proclamation was published by the Government warning all parties not to kill seals in Bering Sea or waters adjacent to the Alaskan coast.

Up to 1883 and 1884 it was only an occasional venturesome vessel that came around and secured a few hundred skins and thought itself lucky and cleared out, but since that time not even the smallest craft is satisfied unless it secures its thousands of pelts regardless of sex.

While in Bering Sea during the summer of 1869, I never saw a vessel sealing about the islands or anywhere in the sea, nor did I hear any report of the presence of such sealing vessels in those waters.

I do not know of any sealing schooner that went to the Bering Sea until Capt. McLean went there about nine years ago in the *Favorite*.

Q. What effect, in your opinion, does the increase in the number of poaching vessels in Bering Sea have upon seal life?—A. Since the number of sealing vessels has increased, the number of seals coming to the islands has correspondingly decreased. * * *

In 1884 the sealing schooners became numerous. I believe there were about thirty in the sea that year, and they have increased very rapidly every year since, until now they are said to be about one hundred and twenty.

I first went out in 1885 in the schooner *City of San Diego*, chartered by myself and others, and my catch for that year was between 2,300 and 2,400 seals. Of that number about 1,900 were caught in the Bering Sea. There were but very few vessels sealing at that time.

PELAGIC SEALING.

HISTORY.

SEALING BY COAST INDIANS.

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Formerly, in the winter time, used to hunt them in the Straits of San Juan de Fuca, and in the spring and summer time we hunted them in canoes and with spears from 10 to 30 miles off and around Cape Flattery. *Peter Brown, p. 377.*

About ten or twelve years ago we commenced carrying our canoes on little schooners and followed up along the coast towards Kadiak. I have been a part owner in a schooner for about seven years, and have owned the *James G. Swan* for about three years. She is about 59 tons burden. The other schooner was not so large. * * *

In early times none of my tribe ever went any farther out to sea than from 10 to 30 miles off Cape Flattery, and close inshore a few miles up and down the coast. They had no other way of hunting, except to go from here in canoes. About fifteen years ago the post trader induced some of them to put their canoes on board of a small schooner and go out from 50 to 75 miles offshore, and to hunt along the coast from Columbia River to Barclay Sound. In the last five or six years some of my tribe have bought and now own four little schooners, and use them to carry their canoes and provisions when they go any distance from home. About seventeen of my people have been in the Bering Sea, and, with the possible exception of two or three, none of them were ever there before 1887.

In 1887 the British schooner *Alfred Adams*, from Victoria, British Columbia, came here and employed some of my tribe to go to the Bering Sea hunting seals, and the schooner *Lottie*, owned by the Indians, also went from here in that year.

In 1889 and 1891 some of my people went on schooners, as hunters, to Bering Sea. At no other times have any of them been in those waters.

I have been engaged in hunting seals all my life, and have always used the spear, and went in canoes. Formerly we went around the cape in canoes, but for the last fifteen years I have frequently gone out on small schooners, from 10 to 80 miles around the cape, up and down the coast from 100 to 200 miles. We take our canoes on the vessel and use them after we get to the sealing grounds.

In early times, and until within the last ten years, I hunted seals with spears in canoes. During the last ten years *Cirous Jim*, p. 380. I have been sealing up and down the coast in schooners, but used spears all of the time. When we used canoes exclusively I used to hunt and capture seals about 30 miles in the Straits of San Juan de Fuca. * * *

I used to be out on the water hunting seals in a canoe for a couple of days at a time, if the weather was fine. Three Indians would go in one canoe. One would handle the spear, the other two would paddle and steer the boat. I was the spearman. Usually we found several seals at a time asleep on the water and would creep upon them, sometimes as near as 20 feet, but more frequently not closer than 40 to 50 feet. I would then throw the spear at them and almost always secure all that I hit. Very rarely I would hit and secure two seals at a time. I would then get a seal on each barb of the spear.

We use smaller canoes now since we began to use schooners in which to carry our canoes and hunters to the sealing waters, and but two Indians go in one of these smaller canoes.

In my early years I hunted seals in canoes and with spears in the Straits of San Juan de Fuca, and about 80 miles *Jas. Claplanhoo*, p. 381. off Cape Flattery. I killed seals for food and for their skins, getting about \$3 apiece for each skin. About fifteen years ago Willie Gallick, who had a trading post here, had three or four schooners, and employed Indians to go sealing and sail his vessels. They would put their canoes and spears on board the schooners and go out and hunt about 20 or 30 miles off the coast, as far south as the Columbia River and north to Barclay Sound. A few years later some of the Indians owned, or partly, an interest in the schooners. About six years ago the British schooner *Alfred Adams* came here, and her master engaged Indian hunters to go sealing in the Bering Sea.

Also used to hunt seals in canoes up and down the coast from Cape Flattery. In those days there were a great many *Jeff Davis*, p. 384. seals along the coast. They traveled in little herds of from ten to fifteen each, and we could sometimes creep up on them when they were asleep on the water and spear one or two before they got away. We usually secured all that we hit with the spear. About 10 or 12 years ago we began to hunt seals in schooners, and ventured farther out in the ocean and sealed for greater distances up and down the coast. I have sealed as far south as the Columbia River and as far up the coast as the north end of Vancouver Island.

I commenced sealing in canoes along the coast and in the Straits of San Juan de Fuca, about fifteen years ago, and *Ellabush*, p. 385. have always hunted seals with spears until recently. Three Indians usually go with each canoe. About ten years ago I went hunting in the schooner *Mist*, owned by a white man. We cruised for seals along the coast, between the Columbia River and Barclay Sound.

Formerly my tribe hunted in canoes and used spears exclusively, but in the last two years a few of them have used shot-guns. Previous to about ten years ago we seldom went more than 20 miles out to sea and sealed

about that distance off Cape Flattery. Since that time some of our tribe have owned three or four small schooners, and those that go out in them put their canoes and spears on the schooners and are carried from 50 to 75 miles off Cape Flattery and along the coast from Columbia River to Barclay Sound. In the earlier years when I went hunting we would not go out of the Straits of San Juan de Fuca during the winter months and early in the spring.

In former years we used to hunt in the Straits of San Juan de Fuca, and in the summer around Cape Flattery, but for the last few years we have had to go farther to *Selvish Johnson*, p. 388. get them, and now we hunt from Columbia River to Barclay Sound. We put our canoes and spears on board of a schooner, and go out from 10 to 60 miles off Cape Flattery.

The idea of capturing seals in the water, when they are farther off shore than the Indian canoes can safely follow them, originated in San Francisco. A single *Isaac Libes*, p. 453. schooner was fitted out and met with success. She was afterwards joined by others, and finally by a small fleet, nearly all American vessels.

I have always hunted seals with the spear, and have never used the gun or been in Bering Sea. I have always sealed in the Strait of San Juan de Fuca, and around *Jas. Lighthorse*, p. 389. Cape Flattery, and up and down the coast of Barclay Sound to the Columbia River. I commenced going north to Barclay Sound about ten years ago.

I arrived in Sitka in November, 1868; remained there a few days and went thence to Victoria, British Columbia, touching at all principal points between Sitka and Victoria, spending the entire winter of 1868 and 1869 among the Indians and fur traders, learning their traditions and customs, and noting their catches of furs and manner of doing business. It came to my knowledge at that time that a considerable number of fur-seals were being killed by the Indians, mostly by the use of spears, in the waters adjacent to Vancouvers and Queen Charlottes islands. The total catch obtained in this way amounted at this time, as I was told by the late United States consul, Francis, to 3,000 to 5,000 skins per annum. The consul further said that the catch was chiefly females, many of which were pregnant. The Indians hunted from dugout canoes, and could not go far from land.

I have been engaged at seal hunting along the coast for the last ten years. At first I hunted in large canoes, but soon commenced to go hunting in schooners. *Oslly*, p. 290.

Indians were the principal hunters until about six years ago, and they scarcely ever used anything but spears and would save most all the seals they killed * * * *Wm. Parker*, p. 344.

There was hardly ever a sealing schooner that went to Bering Sea during these years or prior to 1885, and there were only four or five that sailed from here in the sealing business, and these carried Indian crews, who hunted with spears and seldom went far from the coast. * * *

Seals were almost exclusively taken on the coast during these years and by Indian hunters, armed by spears.

Up to nearly the time my work was published, little was known about marine seal fishing. It was mostly confined to the *C. M. Scammon*, p. 475. Indians. A few vessels were engaged in the trade from Victoria, but cut no figure in commerce. The price of skins was comparatively low, and no great inducements were offered to go into the business. It was when prices advanced, and white hunters acquired the skill of following the movements of the seals and in shooting from a boat, that the real danger of the extermination of the species became apparent. The records of the Pribilof Islands show that not many seals were left on the rookeries about 1840 to 1845, and very few then appeared in the vicinity of the British Columbia coast. As those rookeries increased so the "Victoria catch" increased, and amounted to about 5,000 skins in 1869. (*Marine Mammals*, p. 154.)

Previous to ten years ago I always hunted seals with a spear in a large canoe, and from 20 to 30 miles around Cape *Watkins*, p. 394. Flattery and from 60 to 100 miles up and down the coast. Each canoe carried 3 Indians, and I was the spearman, and generally secured about all of the seals that I hit, but would sometimes miss them and they would swim away. In hunting with schooners during the last ten or twelve years we would take ten or fifteen smaller canoes on board and go up and down the coast from the mouth of the Columbia River to the upper end of Vancouver Island. We send but 2 men out in the small canoe. I have always used the spear in hunting the seals and none of the hunters that went with me ever used the gun. We do not like to use guns because it scares the seals away.

VESSELS USED.

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(See also "Sealing by Coast Indians.")

About five or six years ago I commenced to hunt in smaller canoes that were taken out to sea in schooners. I *Bowa-chup*, p. 376. hunted with spears all of the time.

About ten years ago the first British schooner came into Pachena Bay to get Indian hunters, and have been coming *Charlie*, p. 304. in there ever since, increasing in numbers year by year, till now there are nearly one hundred sealing schooners on the coast hunting seals.

My tribe used to hunt exclusively in canoes, and did not go many miles from the cape, but in the last ten or twelve *Jas. Lighthouse*, p. 390. years a good many of the hunters put their canoes on the small schooners, owned by some of us, and we go farther out into the sea, and from the Columbia River to Barclay Sound, to hunt seals. Unless we use guns we will have to stop hunting them, for they are getting so wild we can not catch many.

The sealing industry, as regards British Columbia, started in about 1872; at that time Indians only were employed to *Morris Moss*, p. 341. do the killing, which was done by spearing. The fleet was small, not numbering over half a dozen vessels, and the trade was in the hands of three or four men. In 1883

the American schooner *San Diego*, of San Francisco, entered the Bering Sea, and after taking about 2,200 seal-skins brought them to Victoria and sold them. This gave impetus to the trade and the following year Victoria schooners entered the sea. New vessels were subsequently added to the fleet and other firms embarked in the business. In 1886 three Victoria vessels were seized, since which time there has been trouble over the Bering Sea sealing industry. Since that time the fleet has been gradually increasing until now. Previous to this time (1886) but few white hunters were employed and the Indian hunters used spears only. By so doing they secured all the seals struck, and did not scare the balance; of late years, however, all the Indians carry and use shotguns in addition to their spears. About fifty-six schooners have cleared from Victoria this spring. Thirty of them carry white hunters and the balance Indians.

Ten years ago a British schooner came up to Pachenah Bay to get Indian hunters, and schooners have been coming in there for that purpose every season since, increasing in number year by year until now there are nearly one hundred sealing schooners engaged in hunting seals along the coast. *Moses*, p. 309.

During the last eight or ten years I have been hunting seals in smaller canoes and were taken farther out to sea by schooners that would carry ten or fifteen small canoes, each canoe manned by two Indians. *Wilson Parker*, p. 392.

Previous to 1885 only two or three sealing vessels had ever gone to the Bering Sea to hunt seals, and the sealing from Victoria prior to 1886 was confined to the coast, and the crews were Indians who hunted with spears. *Chas. Peterson*, p. 346.

In 1889 I entered the Bering Sea in the schooner *James G. Sican*. I was never there before, nor have I been there since. About two years ago I began to hunt seals with John Tysum, p. 393. the shotgun, but I have always carried a spear in my canoe, and frequently use it. I have sealed up and down the coast in canoes between Destruction Island and the north end of Vancouver Island. In latter years I have gone seal-hunting in schooners that carried Indian canoes. Generally each canoe is manned by three Indians, one of which carries a spear. When a seal or a school of seals are sighted the canoe is lowered and the Indians go toward the seal and try to capture them, and at night we return to the schooner with our catch. The seals are placed on board the schooner and skinned; sometimes the carcasses are thrown into the sea, and sometimes they are saved for food.

Years ago we went out in the ocean in canoes, but in later years we take our canoes out on the ocean in schooners and then hunt seals from the schooners. Have never been any farther north than Barclay Sound. *Charley White*, p. 395.

About ten years ago I commenced hunting seals from schooners, using smaller canoes than I formerly did, and have always used spears in hunting seals. About seven or eight years ago schooners came in with white

men who used shotguns, and have gradually increased in number and size of vessels, until now there are nearly one hundred sealing schooners engaged in sealing along the coast.

Years ago I used to hunt seals in the Straits of San Juan de Fuca in the winter time, and in the summer time I would hunt them in canoes from 10 to 20 miles off Cape Flattery, and of late years I hunt in a small canoe, and put it on a schooner and go up and down the coast between the mouth of the Columbia River and Barclay Sound. I have always used spears in hunting the seals.

Until about 1880 I hunted seals in large canoes, in which I always used the spear. In the last eight or ten years I have hunted for seals in small canoes carried on schooners, and sealed off Cape Flattery from 20 to 75 miles, and as far south as the Columbia River and north up to the passage into Bering Sea, but have never hunted for seals in those waters.

INTRODUCTION OF FIREARMS.

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My people commenced using guns in seal-hunting about three years ago, but they always carried spears, and but few of them ever use guns unless employed to do so by white men.

About seven years ago they commenced to kill seals with rifles and a little later they used shotguns, but I have always hunted with the spear; but very few Indians that go from Pachenah Bay or from Neah Bay use guns; we prefer the spear, because we are afraid that if we use guns they will get frightened away and not come back again, and also because we lose a great many of the seals that we shoot; but with the spear we make no noise and get almost all that we hit. There are about 100 seal-hunters that live at Pachenah Bay and make their living by hunting seals.

James Clapashoo, p. 381. Until three or four years ago I used nothing but spears in hunting seals; now I sometimes use a gun.

The first six years I employed Indian hunters from Cape Flattery and they used spears exclusively, as the opinion then *James Dalgarduo, p. 384.* was that the sound of firearms would tend to drive off the seals as well as waking the sleeping ones, thus making it more difficult to secure them.

During two of the eight years I employed mixed crews, some Indians and some whites; some using rifles and some using spears. The catch was in round numbers from 1,500 to 3,000 skins per year, these figures representing the lowest and the highest numbers ever taken by me in any one year.

If all the seals were taken as they were by the Indians in former years, by spearing, their destruction would be nothing near as great as it is. If the spear dart *Isaac Liebes, p. 453.* touches the animal but lightly he goes off with a slight wound and quickly recovers, while if it fairly penetrates his body his capture is reasonably certain, for the spear is attached by a line to the canoe and the seal can not escape. Unfortunately, a great majority of the seals are now killed with guns instead of spears.

About seven years ago they commenced to hunt seals with rifles, and lately they use shotguns. Very few Indians that go from Pachenhah Bay or Neah Bay use guns. *Moose, p. 309.*

METHOD.

VESSELS, OUTFIT, ETC.

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The following statements here made in relation to open-sea sealing are based upon my own observation, and also upon information I received from conversations with forty or fifty men engaged in open-sea sealing in Bering Sea. The average size of the sealing vessels is from 25 to 50 tons, and the number of the crew varies from 10 to 20 or 25. A vessel is fitted out with about 4 to 6 boats, or 6 or 8 canoes. The white hunters used either a Winchester rifle or a double-barreled shotgun, and a gaff with a shaft 4 or 5 feet long. The Indians use a toggle-headed spear, with a shaft 7 or 8 feet in length. Each boat has a rower and one or two hunters, and is also provided with a compass, small amount of provisions, ammunition locker, seal knives and a short club. The boats, on being lowered from the vessel, provided the water is fairly smooth, go toward all points of the compass, and I have found them as far as 6 miles from the schooner.

In hunting seals the white men use an otter boat manned by three men—the hunter, boat-puller, and steerer. The favorite weapon is the shotgun, and rifles are but little used. The No. 10 Parker gun is preferred, and the usual charge is 5 drams of powder and twenty-one No. 2 buck-shot.

I first sailed in 1891 in the vessel *N. E. Paint*, Bisit, master; had six boats, with three men to each boat. The hunters used shotguns. * * * *H. Androicus, p. 314.*

On January 27, 1892, I went seal-hunting again as boat-puller on the *Labadore*, Whitly, master. She carried three boats, three men to each boat, all white men.

I furnished my vessels with rifles and shotguns, and each vessel carried from three to seven boats, with three men to the boat, a hunter, boat-puller, and steerer. *Wm. Bendt, p. 404.*

In 1887 I shipped on the schooner *Challenge*, Jones, master, as boat-puller. She carried four boats, and three men to each boat, all white men, who used shotguns in hunting the seals. * * *

In January, 1889, I again shipped from Victoria, British Columbia, in the schooner *Walter Rich*, Stewart, master; we carried six boats and one stern boat, three men to each boat, all white men, who used rifles and shotguns.

I went sealing as deck hand in the British schooner *Kate*, Capt. Moss, master, in 1887. We had twenty canoes and Indian hunters who used spears, except in calm weather, when they would use shotguns. * * *

In 1888 I left Victoria on the 11th of April as mate and interpreter on the British schooner *Arannah*, H. F. Stewart, master, and carried sixteen canoes while sealing on the coast and Indian hunters with spears, but in calm weather they use shotguns. * * *

I left Victoria on the 28th of May, 1889, in the British schooner *Kate*, as deck hand, with ten canoes and Indian hunters with spears and shotguns. The Indians used spears chiefly. * * *

In 1890 I left Victoria on the 17th of January in the British schooner *Pioneer*, Morgan, master. I shipped as a deck hand. We had five boats and white hunters, who used shotguns and rifles.

We had six boats, four men to a boat, two boat-pullers, and a stearer and hunter. We killed them with rifles.

On or about February 21, 1890, I shipped as an able seaman, but did service as a boat-steerer on the sealing schooner *Henry Brown*, p. 317. *Minnie*, which cleared from Victoria. She carried twelve canoes and a stern boat. Each canoe was manned by two Indians, who used spears principally. The stern boat was manned by white men, who used rifles and shotguns, principally shotguns. I acted as steererman in the stern boat. * * *

On January 19, 1891, I shipped at Victoria as an able seaman on the sealing schooner *Mascot*, Lawrence, master. She carried one stern boat and ten canoes. The canoes were manned by Indians, who used spears in hunting the seals, and the stern boat, in which I was steerer, was manned by three white men. The hunter used a shotgun. * * *

On the 25th of February, 1892, I shipped at Victoria, British Columbia, on the sealing schooner *May Belle*, Smith, master. She also carried ten canoes, each being manned by two Indians, who used the spear in hunting.

I went sealing in 1889 from San Francisco, Cal. (I do not remember the name of the vessel); Capt. Scott was master. *Thos. Brown (No. 1)*, p. 319. We had five boats, three men to each boat, and one stern boat, all white men; we used shotguns and rifles. * * *

In 1890 I went sealing again in the schooner *Sea Lion*, Madison, master; had five boats and three men to each boat; I was boat-puller. * * *

In 1891, in the month of February, I sailed from Victoria, British Columbia, on the schooner *Thistle*, Nicherson, master, on a sealing voyage. We had seventeen boats, and three men to each boat, all white men.

We had six boats, three men to a boat, a boat-puller, hunter, and steerer. They used mostly shotguns, using a *Thos. Brown (No. 2), p. 407.*

I have seven hunters and seven boats; twenty- *Chas. Campbell, p. 256.*
three men all told on the vessel.

The weapons used by pelagic hunters are rifles, shot-guns, and spears. I have heard of nets being used, and have seen one on board a sealer (the *Eliza Edwards*, Bering Sea, 1891), but know nothing of it, further than mere hearsay. The other weapons I have seen in use. *John C. Canwell, p. 408.*

The vessels I went out in had from four to six boats each. Each boat had three men, a hunter and two pullers. *Chas. Challall, p. 411.*

I have been out sealing this spring along the coast in the schooner *James G. Swan*. We have been out three times. Our schooner carried fifteen canoes, each one manned by two Indians. *Circus Jim, p. 380.*

I went seal hunting in 1889 as mate of the British schooner *C. H. Tupper*, Capt. Kelly, master. She carried seven boats and white hunters, who used mostly shot-
guns. * * * *Christ. Clausen, p. 320.*

In 1890 I was navigator in the British schooner *Minnie*, and was equipped with canoes and Indian hunters, who used spears chiefly. * * *

In 1891 I went as navigator in the same vessel and with the same crew, and they used spears in hunting.

In 1888 I shipped at Victoria, British Columbia, as a boat-puller on the sealing schooner *Oscar and Hattie*, Gault, master. She carried seven boats, each being manned by three white men, who used shotguns. * * *

In 1889 I shipped at Victoria as a hunter on the sealing schooner *Maggie Mac*. She carried seven boats, each manned by three white men, who used shotguns in hunting the seals. * * *

In June, 1891, I shipped as a hunter on the sealing schooner *Otto*, Riley, master. The *Otto* carried three sealing boats, each manned by white men, who used shotguns, and two canoes, manned by Indians, who used spears.

We had six boats, each boat having a hunter, a boat-puller, and steerer. *John Dalton, p. 418.*

We had seven boats and a stern boat, and three men to a boat. *Alford Dardean, p. 322.*

We had six boats on board, each boat having a boat-puller, hunter, and steerer. We used shotguns. We also had rifles, but only used them to shoot at long range. *Richard Dolan, p. 419.*

Our hunters were ordinary, average hunters. *Peter Duffy, p. 421.*

Geo. Fairchild, p. 423. We had five boats on board, each boat having a hunter, boat-puller, and steerer. We used shot-guns and rifles.

Geo. Fogel, p. 424. We equipped our vessels with shotguns and rifles.

Theo. Fraser, p. 365. We had seven boats, but we had only four white hunters; ten hunters were natives from Neeah Bay and Vancouver.

John Fyfe, p. 429. We had six boats on board, each boat having a hunter, two boat-pullers, and a steerer, four men to a boat.

Geo. Grady, p. 433. I went to the Bering Sea in 1889 upon the *Laura*, from Victoria, as a cook. We had three small boats.

E. M. Greenleaf, p. 324. I had six canoes, with Indian hunters, who used both spears and shotguns.

The boat-steerer is supposed to be the most intelligent and competent man on the boat, as he has charge and bears
E. M. Greenleaf, p. 325. the same relation to the boat that the captain does to a vessel.

*On February 11, 1889, I sailed from Victoria, as a boat-puller, on the sealing schooner *Ariel*, Buckman, master. She*
Arthur Griffin, p. 325. carried six hunting boats and one stern boat, and had a white crew, who use shotguns and rifles in hunting seals.

*On January 10, 1890, I sailed from Victoria as a boat-steerer, in the schooner *Sea Lion*, Magason, master.* * * *

Our vessel carried a white crew, five boats, each boat manned by three men. We captured about 300 seals from San Francisco to Cape Flattery, by the use of shotguns and rifles. * * *

*I went out sealing again the same year on the *E. B. Marvin*, McKiel, master. I shipped as a boat-steerer. We had a white crew and seven boats, and used shotguns and rifles while hunting the seals.*

A. J. Gould, p. 231. Their hunters were all natives, who came from Neeah Bay, Washington.

*First went out sealing as boat-puller along the Northern Pacific coast about the 26th of June, 1891; sailed from Jas. Harrison, p. 326. Victoria, British Columbia, in the schooner *Triumphant*, Whidden, master. We had two boats and one stern boat, three men with each boat.* * * *

I sailed again about February 12, 1892, in the same vessel and the same master. We carried two boats and three men to each boat, all white men in the boats, but we had sixteen Indian canoes, with two Indians in each canoe, and the Indians used shotguns.

*I went on a sealing voyage in 1887 as boat-steerer on the American schooner *Vanderbilt*, Capt. Myers, master. She*
Jas. Hayward, p. 327. carried six boats and white hunters, who used shotguns and rifles.

In 1888 I went in the American schooner *Chas. D. Wilson*, Turner, master, as boat-steerer, hunting otter and seals. She carried four boats, with white hunters, and they used shotguns and rifles. * * *

In 1890 I went in an American schooner (I can not give her name) as boat-steerer. She carried five boats and had white hunters, who used both shotguns and rifles. * * *

In 1891 I went as boat-steerer in the American schooner *City of San Diego*, George Weston, master. She carried five boats and white hunters, who used shotguns and rifles.

The first season and the last two our hunters were all white men, but on my second cruise we carried mostly West Coast Indians, from Vancouver Island, as hunters. *Norman Hodgeson*, p. 366. The Indians used spears principally, while the white hunters employed breech-loading firearms (rifles and shot-guns) exclusively.

In March, 1887, I joined the British sealing schooner *Mary Taylor*, McKiel, master. * * * She carried five sealing-boats, manned with three white men each. Jas. Jamieson, p. 329. There were three Indians with us part of the season. We used breech-loading shotguns and Winchester rifles.

In January, 1888, I joined the *Mountain Chief*, Jacobson, master. * * * She carried ten canoes, each manned by two Indians, who used spears while hunting the seal.

In January, 1889, I shipped as a boat-steerer on the British sealing schooner *Theresa*, Lawrence, master. She carried six boats, including the stern boat. Our crew and hunters were white men, and were equipped with Winchester rifles and breech-loading shotguns, with which to capture seals. * * *

In January, 1890, I shipped as a boat-steerer on the sealing schooner *Mollie Adams*, McKeil, master. She carried six boats and a white crew, who used shotguns and rifles. * * *

In January, 1891, I shipped as a seaman on the British sealing schooner *Mascot*, Lawrence, master. * * * Our vessel carried one stern boat manned by white men, and eight canoes, with two Indians to each canoe. * * *

I [then] shipped as a seaman and hunter on the British schooner *Ven-ture*. She carried an Indian crew and six canoes. The Indians used spears and breech-loading shotguns while hunting the seals. * * *

In February, 1892, I joined the British sealing schooner *Minnie*, Tyson, master. * * * The *Minnie* was equipped with three sealing boats, all manned with white men.

I first went seal-hunting in 1889 on the schooner *Oscar and Hattie*. She had six boats and a stern boat, three men to each boat. She was armed with shotguns and rifles. James Kean, p. 448.

In 1890 I went out in the *Walter Rich*. She had eight boats, three men to a boat. We had shotguns and rifles, using the former almost altogether.

We had four boats aboard, each boat having a James Kennedy, p. 449.
hunter, steerer, and boat-puller, and used rifles.

Last year he went north in schooner *Ariel*, and spent one and one-half months in Bering Sea, with a crew of eight
Kickiana, p. 306. white men and sixteen Indians, and spent half of April and month of May. He caught 1,080 seal.

My vessel carried Indian hunters in all her trips previous to this year (1892) and they used canoes and spears in
Andrew Laing, p. 334. hunting seals exclusively. The year I was on the *Favorite* she carried Indian hunters also, who used spears. It is now the practice to hunt along the coast early in the season from the Columbia River to the Bering Sea, and enter those waters the fore part of July. * * *

This year I have changed my crew to white hunters, who use shot-guns and rifles.

James E. Lennan, p. 369. In the year 1887 [I] was master of a sealing schooner clearing from Victoria. We had eight canoes and sixteen West coast Indian hunters, who use spears and shotguns, the former almost entirely, however.

The sealing fleet is comprised almost exclusively of small schooners, carrying from five to thirty men, some of the crew
Isaac Liebes, p. 452. being exclusively white men and some of them mixed, white men and Indians. They are fitted with the necessary boats, guns, spears, gaffs, water butts, and other implements required for seal killing and to enable the hunters to remain away from the vessel in their boats for several consecutive hours.

I have conversed with the captains of several marauding schooners, and others who were employed in pelagic sealing
A. P. Loud, p. 39. have informed me that they usually use rifles in shooting seals in the water. Some, however, use shotguns, but to no great extent.

Thomas Lyons, p. 460. We had six boats, and a hunter, boat-puller, and steerer for each boat, and used shotguns.

William McIsaac, p. 461. The schooner had four hunting boats, and each boat had a boat-steerer, a puller, and a hunter.

William McLaughlin, p. 461. We had six or seven boats on board, three men to a boat, and we used shotguns and rifles.

I went to the Bering Sea on the *Maggie Ross* from Victoria, of which Captain Olsen was master. I shipped as a boat-puller. She had six boats, three men to a boat, and we used Spencer rifles.
William McLaughlin, p. 462.

The hunting outfit of the *Otto* was rather limited: One seal-hunting boat, which I will designate the first boat; one pleasure boat, heavy and clumsy, the second boat; and one Indian hunter and one canoe-man in a canoe. The first boat was manned by the skipper as hunter, an acknowledged expert of twelve years' experience, armed with a No. 12 bore double-barreled shotgun by Greener, of Birmingham, and one Winchester repeating rifle, and a crew of two white

men as pullers and steerers. The second boat was manned by two Swedish seamen, one as hunter and the other as puller, of no experience whatever in the business, armed with a No. 10-bore double-barreled shotgun. The canoe, one Indian hunter, and one canoe-man, armed with the Vancouver Island west coast spear and a single-barrel, muzzle-loader shotgun, this latter, I was informed, merely to give the quietus to the harpooned seal should occasion require. The ammunition used: Curtis & Harvey's No. 6 grain, size 14, in kegs; charge, 6 to 7 drams, and from 15 to 21 buckshot.

We had eight boats, each boat having a boat-puller, steerer, and hunter. The hunter used rifles and shotguns.

James Maloy, p. 463,

I went sealing in 1891 in the *Oscar and Hattie*, Gault, master; * * * we had six boats and one stern boat, with three men to each boat and two men with the stern boat; we used shotguns and rifles.

Thorwal Mathasan, p. 339.

We had six small boats on board, each boat having three men, a hunter and two men to pull. They shot both with rifles and shotguns. The rifle was considered the best to use, as the shotgun would wound more.

In February, 1882, I went sealing from Victoria, Britist Columbia, in the schooner *Onward*, McCoy, master. I shipped as mate. We had sixteen canoes, all manned by Indians, two Indians to each boat. The Indians used spears while hunting seals. * * *

About the last of April, 1883, I sailed from Victoria on a sealing voyage in the *Onward*, Morris, master. We had eighteen canoes, all manned by Indians, two to each canoe. They used spears as weapons.

About the 1st of January I sailed as master of the *Alfred Adams* on a sealing voyage; we had about eighteen canoes, with two Indians to each canoe; they hunted with spears. * * *

In February, 1885, I sailed from Victoria, British Columbia, on the schooner *Seventy-six*, Potts, master. We had three boats and three men to each boat; had a white crew. * * *

In the month of February, 1887, I sailed from Victoria, British Columbia, in the schooner *Black Diamond*, I, Morris, master. We had twenty-four canoes, each manned by two Indians. The Indians used spears in hunting the seals.

In 1887 I went sealing in the Bering Sea on the British or Japanese schooner *Ada*. I do not know the name of her master, but he was a white man. She carried seven canoes, each manned by two Indians, and one stern boat, with three white men. The Indians hunted with spears and the white men with guns. * * *

In 1889 I went again to the sea in the sealing schooner *Minnie*, Jacobson, master. She carried eight canoes and two boats. Two Indians who used spears were employed in each canoe, and three white men, using guns, were in each boat. One boat with three white men got more seals than one canoe with two Indians. * * *

In 1891 I went up to the Bering Sea in the same vessel, and she had the same master and carried the same number of boats and canoes.

We had six boats, each boat having three men, a boat-puller, steerer, and hunter. We used shot-guns, using a rifle to shoot at long range.
John O'Brien, p. 470.

We left Port Townsend in February and cruised along the coast from Grays Harbor to Kyoquot Sound. Our crew were all white men, of whom twelve were hunters armed with shotguns.
Nelson T. Oliver, p. 372.

We left Vancouver for Victoria on the 29th of March, and fitted out the vessel, leaving Victoria on the 8th day of April. She carried four 16-foot boats and one stern boat, 14 feet. She carried two men to the boat, one to pull and one to hunt.
John Olson, p. 471.

About six years ago I went to Bering Sea, as a hunter, on the sealing schooner *Favorite*, McClean, master. She carried one stern boat and ten canoes.
Ostby, p. 390.

In 1882 and 1881 I sailed as cook in the British schooner *Onward*, McCoy, master. She carried Indian hunters and sealed along the coast.
Wm. Parker, p. 344.

In 1884 and 1883 I sailed as cook on the British schooner *Thornton*, Nelse, master. She carried Indian hunters. The Indians used spears and sometimes would have and old musket.
Wm. Parker, p. 343. * * *

In 1887 I sailed from Victoria as hunter and interpreter in the British schooner *Ada*, Gordon, master. She carried seven canoes and one boat, and Indian hunters who used spears.
* * *

In 1888 I sailed as hunter and interpreter in the British schooner *Alfred Adams*, Worth, master. She had Indian hunters and carried ten canoes of 2 men each. They used spears and shotguns.
* * *

In 1889 I sailed as hunter in the British steamer *Ariel*, Buckner, master. * * * We were all white hunters and used shotguns and rifles.

I went sealing in 1890 in the *Walter Rich*, Capt. Cooper, master. * * * She carried six boats and a stern boat. The hunters were all half-breeds, except myself.

In April, 1886, I went seal-hunting from Victoria in the schooner *Mountain Chief*, Jacobson, master. Our schooner carried ten canoes, each manned by two Indians, who hunted with spears.
Chas. Peterson, p. 345. * * *

In the spring of 1887 I went on a sealing voyage from Victoria, as a boat-puller, in the schooner *Alfred Adams*, Dyre, master. She carried one stern boat and two Indian canoes. We had a white crew, but the canoes were manned by two Indians each.

In April, 1890, I went sealing in the *Minnie*, Jacobson, master. She carried fourteen canoes, manned with Indians, two Indians with each canoe, who used spears.
Chas. Peterson, p. 346. * * *

In January, 1891, I left Victoria on a sealing voyage in the schooner *Minnie*, Dillon, master. We carried two boats manned by white men, and ten canoes, each manned by two Indians, who used shotguns.

I went out sealing as boat-steerer on the British schooner *Penelope*, Capt. Steel, master; I think it was in the year 1888 when I went in her. She had five boats and white hunters. They used shotguns and rifles; shotguns chiefly. *Edwin P. Porter, p. 346.*

In 1889 I went as boat-steerer on the British schooner *Ariel*, Capt. Rucknam, master. She had six boats and four canoes. Carried both white and Indian hunters. White hunters used shotguns and rifles. Indians used spears, chiefly. * * *

In 1891 I sailed as boat-steerer in the British schooner *Umbrina*, Capt. Campbell, master. She carried seven boats and had white hunters, who used shotguns and rifles. * * *

This year I went as boat-steerer in the British steamer *Thistle*. She had six sealing boats and two whaling boats, and carried white hunters with shotguns and rifles.

On January 14, 1890, I sailed as a boat-puller from Victoria, British Columbia, on the British sealing schooner *Maggie Mac*, Dodd, master. She carried six sealing boats that were manned by 3 white men each, who used breech-loading shotguns and rifles. * * *

In July 1891, I sailed out of the port of Victoria, British Columbia, as a hunter on the British sealing schooner *Otto*, O'Reilly, master. She carried one stern boat, manned with three white men.

We had six boats on board [the *Penelope*, in 1884], each boat having a boat-puller, a hunter, and a steerer. We used shotguns mostly, except for long range we used rifles. * * *

We had nine boats [on the *Arctic* in 1889], four on one side and five on the other. Each boat had three men. * * *

We had six boats [on the *Flying Mist* in 1871], four men to a boat; two boat-pullers, steerer, and hunter. We used rifles for shooting.

I went sealing in May, 1891, as boat-puller in the steamer *Thistle*, Nicherson, master. She carried seven boats and one stern boat, all white crew, and three men to each boat. * * *

In February, 1892, I again shipped in the schooner *Geneva*, O'Lery, master; she carried seven boats and one stern boat, and three men to each boat; I was boat-steerer.

We had seven boats on the *Allie Alger*, each boat having three men, a boat-puller, a steerer and hunter. *Adolph W. Thompson, p. 486.*

While master I was also engaged in shooting seals. I used both a rifle and double-barreled shotgun; the rifle for shooting "travelers" and the shotgun for shooting sleeping seals. The *City of San Diego* had four boats. Each boat had a hunter and two men to pull. The *Terese* had five boats similarly equipped. The *Lottie Fairfield* had six boats similarly equipped. The *Undaunted* had four boats.

INDIAN HUNTERS.

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Akakoo, p. 237.

Have always taken seal with spear and shotgun; never used a rifle.

There are two methods of taking seal in the water practiced on the Northwest coast; white men employ firearms exclusively, while the native Indians generally use spears. The most expert of these spearmen are the Neah Bay Indians, and as seal hunters they surpass all others. An expert white hunter, even with the best of firearms, can not compete with them, for when he approaches a group of sleeping seals, all in close proximity to one another, he can not expect to get more than one of the number. The noise of his gun will startle all others within a radius of a quarter of a mile or more, thereby destroying all chance of catching another seal asleep. It sometimes happens, however, that a skilled hunter will capture two or three out of a group, but such cases are exceptions rather than the rule. It is different with an Indian hunter who uses a spear; he silently approaches the sleeping victim and noiselessly hurls his spear at it with a deadly aim, and the only thing heard is the hard breathing and slashing of the seal as it fights for liberty.

The spear which the Neah Bay Indians use is double pronged, which in their hands is a formidable weapon. The shaft is 12 feet long, and made of cedar; the prongs are hard wood, one 30 and the other 18 inches long, about 4 inches apart at the ends, and pointed. The prongs and shaft are scraped together and held in place by a serving of small cotton line. The long prong is a continuation of the shaft, but the short one projects off at a slight angle. The spearheads are made of bone and steel, with a single barb at the sides and a socket in the butt, into which the ends of the prongs are fitted. In the middle of the spearhead is a hole, into which is bent a lanyard made of whale sinew, which is sewed with cotton twine to prevent it from chafing. To the lanyard is fastened the spear rope, which in early years was also made of whale sinew, or other durable material, but now cotton line is used as a substitute, it being much easier procured, and answers the purpose equally as well. The spearheads are held in position by the spear rope, which is hauled taut and fastened to a whalebone becket at the end of the shaft. In throwing the spear, two fingers of the right hand are placed over a small flat handle, the other hand acting as a rest upon which the spear is balanced. When the spear is thrown the long prong is held uppermost. The reason for this is that if it should pass over the back or head of the seal the short prong will be sure to strike it. As soon as a seal is struck the spearheads slip from the prongs and the rope from the becket. No notice is taken of the shaft, as it can be picked up after the prize has been secured.

As an illustration of this method of taking seals, I give in detail one of my experiences: On the afternoon of April 23 I went out in one of our canoes, managed by two Neah Bay Indians, father and son. The weather being pleasant and sea smooth, sail was set, and with the assistance of paddles we made good speed in a southwesterly direction. Two men usually go in a canoe; one handles a spear and the other a steering paddle. No great importance is attached to the man who steers, as it requires no special skill to keep the canoe on the course de-

sired; but to the skill of the one who stands in the bow and throws the spear depends the success of the hunt, and if he should be so unfortunate as to miss several seals in succession his dusky partner in the stern thinks himself justified in using strong language. All seal-hunting canoes carry a small sprit-sail made of drilling, which can be set and taken in very quickly with little or no noise. Oars and paddles are both used; the former when a long passage is to be made, the latter when among seals. The spearman always keeps a lookout for seals, and stands upon one of the forward thwarts, with one hand resting against the mast to steady himself. In this position he commands a good view on either side and ahead. It is not to be understood, however, that the man in the stern keeps no watch, for his eyes are ever on the alert, but his lower position prevents him from seeing any great distance. As soon as a seal is sighted the sail is taken in, rolled up, and placed where it can not make a noise by thumping against the side or on the thwarts. The gaff and killing clubs are placed in a handy position, and the spear examined to see if everything about it is strong and in good working order. If the seal is some distance away both the men paddle, but if close by only the hunter at the stern paddles, the direction being indicated by a wave of the hand from the man in the bow.

Silently the sleeper is approached, all unconscious of its danger. If the coveted prize should show signs of uneasiness, no risk is taken, and the hunter throws his spear when within 40 or 50 feet of it. He seldom misses the mark even at this distance, but will always approach nearer if possible. At the end of an hour we saw our first seal about a quarter of a mile ahead. The canoe was kept off under its lee, the sail taken in, and everything put in readiness for action. Cautiously we paddled towards the prey, care being taken not to make the slightest noise. We had approached within about 40 feet when the seal began to grow restless, as if it was dreaming of danger. The hunter stood braced, spear in hand, and with true aim he hurled it with all his force at the sleeping object. In an instant the scene of repose was changed into one of intense excitement and pain. With a jump the seal instantly disappeared below the surface, but not to escape, for when once a spear becomes fastened to an object it seldom pulls out. Soon it came up to breathe and renew its desperate struggle for liberty. It stood in the water facing us, with its body half exposed as if taking in the situation, and with a kind of low, piteous growl, as though it realized its end was near, it renewed the contest. It fought madly, diving, jumping, and swimming with great speed, first in one direction and then in another, sometimes on one side of the canoe and then on the other, the Indian all the time holding on to the spear rope, trying to draw the seal near the canoe so as to strike it on the head with the killing club. In its frantic efforts to escape it bit at the line several times, but soon abandoned the idea of gaining its freedom in such a manner and again resorted to jumping and diving. The loss of blood soon caused it to grow weak, and after a fight, which lasted perhaps five minutes, it ceased to struggle altogether and was hauled to the side of the canoe and dispatched with the club.

In a few minutes another seal was observed asleep a short distance away; again sail was taken in and the same precautionary means used as before. This individual was approached within 25 feet, and so good a mark was it that the spear was driven nearly through the body. It died almost immediately, and from the time it was struck until it was

landed in the bottom of the canoe did not occupy more than three minutes.

We had not proceeded far on our course when two seals were sighted close together. They were so near each other that it was impossible to spear one without wakening the other, so the larger one of the two was selected. As soon as it was struck the other awoke, and with a few jumps was out of danger, leaving its companion to perish alone. We soon found that this seal was going to make a hard fight and would probably give us no little trouble. It jumped and dived in quick succession, pulling at the spear rope with sufficient force to move the canoe about in a lively manner, and on two occasions the Indian who was "playing" it had to let go of the line altogether to save himself from being pulled overboard. This kind of work was very severe on the hands, but the Indian held on regardless of bleeding fingers. When the seal would come to the surface to breathe a little slack rope would be gathered in, only to be lost much quicker than gained. And so they fought; first the hunter and then the seal would have the advantage of the situation, and, at the end of eight or ten minutes, the seal apparently was as fresh as when first struck. It looked as if the fight might last for a considerable length of time, which of course did not suit the Indians. In order that there should be no mistake about the result of the fight, an old rifle was brought forth from the bottom of the canoe. Watching his opportunity when the seal was making one of its leaps, the hunter in the stern fired. He missed the mark twice, but these failures did not by any means prove him to be a poor shot, for a person who can hit a seal that is jumping wildly about in every direction at the end of a spear line is indeed a good marksman. A third shot, however, took effect, and the battle was decided.

Close quarters evidently did not suit the seal, for it showed its teeth in a very unfriendly manner, and on one occasion set them in the side of the canoe. This act was the only false movement the seal had made since the fight began, and it paid the penalty with its life; a rifle ball was put through its body and a club landed on its head at the same time. Upon examination, after being hauled into the boat, we found that the spear-head had passed through its right flipper, which accounted for the long fight, as it could use its other flippers to good advantage.

Prosperity has the same effect upon Indians as upon white men, and soon sail was made and a sharp lookout kept for others. Two more were observed during the afternoon, one of which was captured very easily. The other was awake and came up a short distance away with a red rockfish in its mouth. This fact indicates that there are shallow spots in this vicinity (Lat. $58^{\circ} 58'$ north; Long. $141^{\circ} 7'$ west) where seals feed. Indeed, it may be one of the favorite feeding grounds when in northern waters, for it has long been reported that many fishing banks exist on the Fairweather grounds. This was the last seal seen during the day by us. A fresh breeze sprang up, accompanied by a short, choppy sea, and in consequence we were obliged to return to the ship, where we arrived about 6 p. m.

Have used a spear for taking seal all my life,
Wilton C. Bennett, p. 356. but when seal are wild sometimes I used a shotgun.

The Indians make a sure work of it, and secure nearly every seal that they spear. They do not make so much noise in approaching a sleeping seal as the white hunters do. When an Indian in a canoe is approach-

ing a bunch of seals asleep on the water he does not remove his paddle from the water, but dexterously and noiselessly moves it in the water, because the least sound would awaken the seals. The hunter who uses a gun not only disturbs the seal he shoots, but awakens and disturbs the others, who then make their escape.

The spears with which my people hunt seals almost exclusively is similar to the harpoon used by us in killing whales, only it is smaller. It has a handle about 14 feet long, that will come off when the harpoon sinks into the seal, and the iron head is secured to the boat with a line about 70 feet long. In throwing the spear we use both hands, and if we hit are almost sure to get him.

I hunted with shotgun and rifle, but mostly with shotgun. *Jas. L. Carithout, p. 409.*

I never hunted seals with a gun; neither have I been in the Bering Sea. *Charlie, p. 305.*

In early days the spear was used in taking seal, *Simeon Chin-koo-tin, p. 256.* but now the shotgun and rifle are used exclusively.

In spearing seals I use a harpoon with either one or two barbs, similar, but smaller than that used in taking whales. The harpoon has a handle about 12 or 14 feet long, and a strong line, about 70 feet long, is attached to the barb, the other end of which is fastened to the canoe. We throw the spear at a seal with both hands, and when the spear or harpoon hits a seal the barb becomes detached from the handle but is securely fastened in the body. The handle floats upon the water and is afterwards secured and is used again. I lose but very few seals that I hit with the harpoon.

When I was a boy spear was used; now a shotgun and rifle are exclusively used for taking seal. *Charlie Dahlin, p. 278.*

It was while the seals were asleep on the water, as a rule, that the Indian hunters succeeded in capturing them with the spear, and this is the reason they lost but very few of what they killed. *Jas. Dalgarduo, p. 364.*

I have always hunted in canoes and with spears, and years ago would kill a great many seals. I was up in the Bering Sea sealing in 1889 and have not been there since. *Frank Davis, p. 383.* All the other years I have been seal hunting along the coast between Grays Harbor and Barclay Sound.

Have hunted seal off Prince of Wales Island in the spring. In former years I used so catch seals with a hook by paddling up close to them when they were sound asleep and hooking them. Can't use the hook now as the seal have become very wild since they are hunted so much by schooners. Now I use the shotgun exclusively for taking seal. Very seldom I lose one, as I always shoot them close to the boat.

Chief Frank, p. 280. Have hunted fur seal in canoes.

Nicoli Gregoroff et al., p. 234. We use fire arms (rifles and shotguns) principally, and hunt in bidarkas.

Ishka, p. 387. I have always used spears while hunting the seals in canoes.

When I first began hunting, spears and arrows were used for sealing. Now the shotgun has come into general use, and a few seals are taken with a rifle.

C. Klananeck, p. 263. A long time ago I hunted seal with a spear, but of late years have used the shotgun.

Robert Kooko, p. 296. I have used the spear and shotgun.

Jno. Kowineet, p. 264. In early days I used spear altogether; of late years the shotgun and rifle have been used exclusively.

Geo. Lacheek, p. 264. In early days spear and arrow was used exclusively, but now the shotgun and rifle are used instead.

Indian hunters will not stay out over ten days at a time when we are on the coast, so we have to come in and out quite often.

Andrew Laing, p. 335. *Thomas Lowe*, p. 371. During the first seven years I used the spear in hunting seals. This year I have used the shotgun part of the time.

Have seen and taken the first seal off Cape Flattery. When seal are taken off Cape Flattery, Indian hunters were employed, who used spears. Farther west the shotgun was used.

James McKeen, p. 267. The spear used by the Vancouver Island Indians for seal hunting is 10 feet long in the shaft, tapering off towards the ends, and thus well balanced. At the point the shaft forks off into two prongs, on which the spear-head or harpoons fit easily, being attached to the shaft by a cod line, which runs up to the butt, where it is caught in a bight and held round the thumb of the right hand. On being projected the shaft separates from the harpoons and floats on the water unheeded till the seal is secured. But few are missed. Any that escape wounded only suffer from a flesh wound of $2\frac{1}{2}$ inches in depth. Once the harpoon pierces the skin beyond the barbs the only possibility of escape lies in the chance of the line breaking. This system of capture is both economical from a business standpoint, as well as that of being almost, if not entirely, less destructive to seal life, as compared with modern arms of precision.

Moses, p. 310. In hunting with the spear we make but little noise and get almost all that we hit.

I have always hunted with a spear and never with a gun, and have never been in Bering Sea. *Wilson Parker, p. 392.*

Seals were caught by them [the Indians] with spears and but few were lost; but since the shot-gun has come into use a great many are destroyed and lost. *Charles Peterson, p. 246.*

UNITED STATES REVENUE-STEAMER CORWIN,
Sitka, Alaska, May 4, 1892.

Capt. C. L. HOOPER, U. S. R. M.,
Commanding:

SIR: I herewith respectfully offer the following notes relative to pelagic sealing derived from observation and personal experience. *J. H. Quinan, Vol. I, p. 504.*

In obedience to your orders I accompanied two Neah Bay Indians, Chad and Wilton by name, May 1 and 2, off Sitka Sound, to hunt seal. The canoe we used is of the Neah Bay type, hollowed out of white cedar, 24 feet long, 3½ feet beam, and 20 inches deep, braced by thwarts secured to the sides by cedar twigs, the stern rising abruptly 10 inches and stem projected forward and rising gradually to 2 feet above the gunwale, the latter terminating in a figurehead, which, with the long prow, resembles some fanciful animal, not unlike a giraffe. In this head is cut a notch, on which the spear rests when ready for use. A rifle, shotgun, spear and line, mast and sail, two paddles, a pair of oars, gaff pole, short club, a prismatic-shaped wooden bailer, and a box of ammunition and bread completed the outfit. After leaving the ship, the Indians, one sitting in the stern with his paddle, and the other in the bow with his oars pulled to windward, this being invariably the rule, as it is in this direction the seal must be approached. We had pulled several miles without seeing anything, when suddenly the steersman gave the canoe a shake and pointed in silence to a seal 75 yards distant, lying on its back in the water, apparently asleep. Its flippers were raised in the air and moving listlessly from side to side, as if fanning itself. The Bowman took in his oars and substituted the paddle, and the canoe glided noiselessly toward the unconscious seal. When within 40 yards of it the after paddle alone was used, and the Bowman stood ready with the shotgun. It was soon seen that the seal's head was under water. The Indians told me afterward that it was only drowsing and looking for fish. Whether this be a fact or not I do not know. In this position a seal is said to be "finning."

During all this time not a word was spoken, and so noiselessly did the canoe glide that we got within 10 yards of it and the hunter fired, pouring a charge of buckshot into its breast. The seal, to my great astonishment, was not killed, but gave us one surprised look and instantly dived out of sight. It rose again 50 yards off, gave us another, look and a second time disappeared. Then followed a chase to windward, the Indians dexterously applying their paddles in that direction. Three times it disappeared and reappeared before it was finally shot and captured. Even then it was necessary to use the club to kill it. One hook with the gaff, a sudden pull, and the unfortunate seal was in the canoe.

The oars and paddles were again used and we continued on our way. The next seals we sighted were three in number, asleep on their sides and backs on a bunch of kelp, their favorite resting place. Their fore and hind flippers were visible, the former closed on their breasts; their

heads were lying to leeward, and moving slowly from side to side. In this position a seal sleeps soundly. When its head ceases to move, it is an indication that it is waking up, and this is the time to shoot. The canoe this time approached from a point nearly at right angles to the wind, so as to get a good shot. The most vulnerable place is in the neck just back of the head. One of the three was instantly killed, another shot and killed after diving and reappearing, and the third escaped. The first one was allowed to float until the second was secured, occupying a space of about twenty seconds.

The time it requires a seal to sink depends upon the character of the seal and the place in which it is shot. Some sink instantly, while others float for two or three minutes, and possibly longer. Gravid cows, that is, cows that are heavy with young, sink more slowly than males, and seals that are lean more rapidly than those that are fat. If the lungs of a seal which has been killed retain air it will float for quite a while.

The best time for hunting seal is a good day following a protracted spell of bad weather. In a very rough sea seals can not sleep, but merely lie on the surface and lazily roll over and over; hence the term "roller."

After securing our third seal we set sail, which consists of a sprit-sail bent to a mast which can be easily stepped and unstepped. After sailing a few miles we sighted several more seal asleep on kelp, and took in the sail and proceeded under paddle alone. This is always done, as the canoe is more easily handled and the flapping of the sail is liable to frighten the seal. We succeeded in getting within 40 yards, when one of the group, which was awake, gave the alarm. Instantly the Indian fired, wounding it in the head, but they all escaped.

As a rule it is an easy matter, especially for a canoe, to get within 10 yards of a sleeper. Sometimes the hunters can almost touch them with the spear. Out of sixteen seals which we saw, twelve were asleep, and four playing. We killed and captured three, all of which were cows, wounded three, which escaped, and missed two. The shotgun was used exclusively in all cases but one, when the rifle was used at long range. The Indian hunter, Wilton, who did the shooting, is considered a good shot, and this is about the percentage, he tells me, which he usually gets. The Indians are more expert with the spear and seldom miss with that weapon. They use it, however, only on sleepers. They were very anxious to use the spear instead of the gun, but I would not allow them, in accordance with your instructions, since white hunters use the gun exclusively, and it was desired to learn what percentage of those shot escaped and are lost by sinking.

For the information of those who do not know I will describe the spear and manner of using it. I refer you to the drawing. The spear is made of wood and consists of four parts, viz, (a) made of fir, 12 feet long, 1 inch in diameter handle (b) and two prongs (c') made of the branches of crab apple, one 30 inches, and the other 15 inches in length. Over the ends of these prongs fit spearheads (d) and (d') made of elk horn and old files. To each spearhead is fastened a stout sinew or cord (e), procured from the tail of the whale and served with twine. These are only a few feet long, and form a bridle to which is attached a stout cod line (f) 12 fathoms long. The horn of the spearheads, to which this sinew is attached, is covered with a thick coat of spruce gum to keep out water and prevent rotting. When the spear is used the line is drawn taut along the spear, a kind of hitch or slipknot taken over a cleat or lug (g) and the end of the line made fast to a thwart in the head sheets of the canoe, the rest of the line coiled down neatly for running. The

bowman rests the spear in the notch at the head of the canoe until almost within spearing distance; he then raises it with his left hand, grasping it at the handle (*b*) with his right, the first two fingers in the notches, which are set in a plane perpendicular to that of the prongs. The longer prong is always uppermost, so that in case it misses its prey the shorter will do its cruel work.

As soon as a seal is struck the spear detaches itself from the line and spearheads and floats on the water. Then commences a struggle and a scene such as follows the catching of a shark or other large fish. If the seal is not a formidable one it soon tires itself out, and is dragged to the canoe to be clubbed to death. If it be of a larger growth, an old bull, for instance, and shows fight, it is necessary to shoot him before he can be captured. On one occasion an old bull, in his terrible fury, bit a small piece out of the side of the canoe.

The Indians do not like to resort to the gun unless absolutely necessary, as firing frightens other seals which may happen to be in the vicinity.

I inclose rough drawings showing canoe, with mast and sail, paddle, thwarts, spear, and line.

I used the bow and arrow for killing them. *Sohkatatin*, p. 243.

During these three years I had frequent conversations with the masters and crews of sealing vessels in relation to open-sea sealing. From these conversations, and also *L. G. Shepard*, p. 188. from my own observations, I make the following statement in relation to pelagic sealing: The weapons used by seal-hunters are rifles, shotguns, and spears. The Indians use spears, and a canoe contains two Indians, the foremost thus armed.

When I was a young man I killed fur-seal off *Showoosch*, p. 243. Yakutat Bay, using a spear altogether.

In early days I used the spear, but now I use *Martin Singay*, p. 268. the shotgun and rifle exclusively.

When I was a boy the spear and arrow was used *Jack Sitka*, p. 268. for sealing, but now the shotgun and rifle are used exclusively.

Spear is mostly used by the Makah Indians. Farther north the shotgun is used. *Wm. H. Smith*, p. 478.

Have hunted seal and sea-otter all my life during the summer season, using the spear and arrow. *Stahkan*, p. 244.

When I was a young man the spear and arrow were used, but of late years the shotgun and rifle *M. Thilkahdaynahkee*, p. 269. are used exclusively.

When I first began to hunt spear and arrow were used exclusively; the shotgun is now used by the Indian hunters for the same purpose in lieu of the spear and arrow. *Jas. Unatajim*, p. 271.

Charlie Tlakatan, p. 270. When I first began hunting I used a spear and bow and arrow, but now the shotgun is used exclusively.

Charlie Wank, p. 273. The spear was used in early days, but now seal have become scarce and shotgun and rifle is used exclusively.

Many years ago, when seal were plenty, the spear was used, but now so many schooners are engaged in sealing that Michael Wooskoot, p. 274. the shotgun and rifle has to be used in order to secure them, as they have become very wild.

WHITE HUNTERS.

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The work of seal-hunting is carried on about as follows: The hunter and boat's crew leave the vessel at daylight, *William Brennan, p. 360.* usually carrying one rifle and a shotgun, though some of them have two shotguns with about fifty rounds of ammunition for each gun. If a breeze is blowing they go under sail, or, if it is calm, the boat is rowed. The hunter has charge of the boat, no matter if he is not an expert boatman.

If a sleeping seal is seen, the boat is run within about 100 yards of it, and the sail and mast are lowered with the least possible noise, as the seals are easily awakened. The boat-steerer cautiously paddles toward him, being careful to keep to the leeward, and with ordinary care the boat can come within a few feet of him before he is aware of it; then, if the hunter is cool, the seal is sure to be captured. Should the seal be only wounded, he will dive, unless hit in the flipper or nose. If he is not killed so dead as to be unable to dive, ten to one he will get away, for it is uncertain where he will come up, and the boat may be a long way from him when he reappears. In such case the boat usually remains still, with boat-puller and steerer standing ready to follow him as soon as he is seen; but he very often rises out of range and gets away. An experienced hunter and boat's crew will get at least seventy-five per cent of "sleepers," and perhaps more; but the sleepers form but a small part of the seals hunted. The noise of firearms will awaken every seal within the distance of half a mile, and put it on the alert. The boats stay out until dark, if the weather is fine, and the five or six usually carried by a sealing vessel cover an area of 5 or 10 miles on either side.

If the seal is "finning" the hunter will probably spend ten or a dozen rounds of ammunition, provided he wounds it with his first shot before he takes it in, which he often fails to do. If it is "breaching"—that is, jumping clear of the water—the hunter will most likely try a rifle-shot at it, as there is a bare chance that he may hit it. If he wounds it and it escapes it is all the same to him, except that he has one less skin.

To be a good hunter a man must be a crack shot on the start, and then it will take him at least two seasons to learn the motions of the seal, so as to be considered an expert. He must understand how to approach the seals under all circumstances so as not to arouse them, and must also have a good boat-steerer, as a great deal depends on him. Perfect quiet must be kept in the boat, or the seal will be awakened; and the boat-steerer must understand the seal's habits as well as the

hunter, in order to know where to head his boat and where to keep her. A crew new to the business sometimes makes a good catch, but it is generally at the expense of a large proportion of seals that are killed and lost, or wounded and escape. The vessels engaged in the sealing business range from 15 to 150 tons burden, or more, large vessels being in favor because they can carry more boats, with less expense in proportion to size, than the small ones.

The principal ports from which sealing vessels sail are Victoria, British Columbia; San Francisco, Cal.; Port Townsend, Wash.; and Yokohama, Japan. The fleet from Victoria comprises sixty vessels or more, and one will travel the world over without finding better or faster schooners than some of them are. Next to Victoria, in numbers, comes San Francisco, all under the American flag. Yokohama formerly sent out twelve or thirteen vessels under different flags. I have seen vessels operating from that port flying the Dutch, German, French, Russian, American, English, and Japanese flags, engaged at otter and seal hunting. About seven or eight vessels are from Puget Sound. The Victoria and Puget Sound fleet attends only to sealing, while the vessels from San Francisco and Yokohama engage in otter-hunting and sealing combined. The vessels carry from one to seven boats each, and each boat except the one carried at the stern is manned by three men. In going upon the hunt the hunter stands forward, the boat-puller sits in the center of the boat, and the boat-steerer in the stern. The boats are from 18 to 20 feet long and carry usually two pairs of oars, three or more paddles, a short seal club to kill the seal with (if he is alive when they get him alongside), a gaff with a long staff to hook him up if he sinks, a fog-horn, a compass, an ammunition box for the hunter, a water-beaker, a box for food, a small sprit sail and mast, and at least one shotgun.

Vessels that are manned by Indians do not carry hunting boats as a rule. The Indians furnish their own canoes and spears, and often a shotgun or rifle, or both. A vessel, say, of 70 tons, will carry six boats, five of them hunting boats, and one at the stern. The owner furnishes guns, ammunition, boats, food, etc., and engages the captain and hunters. The captain employs the boat-pullers, steerers, and the crew, though in some cases the hunters engage their own pullers and steerers. A vessel of this size would carry 21 men, all told, including a captain, mate, cook, 5 hunters, 9 men for the boats, 1 spare man, and a boy. The master's wages range from \$75 to \$100 per month; but some of them get wages only, while others have wages and a "lay," that is, a share of the profits. Good hunters get from \$3 to \$3.50 per skin for every one they bring on board; but each hunter has his price and makes terms with the owner, which he keeps to himself. The crew receive \$30 per month, and have sometimes a private agreement with the hunter to 10 to 25 cents additional out of his own pocket for each skin brought on board; for, as I have said, much depends upon the steerer, and each has his favorite. The mate gets from \$45 to \$50 per month, the use of the stern boat, and \$1 for every skin he brings on board. The cook receives from \$50 to \$80 per month, according to the number of men he cooks for.

The first vessels leave about January, and from then until March they are becoming fewer in port every day. They go to some of the bays and inlets upon Vancouver's Island, off Cape Flattery, or down along the California coast. Many hunt in a circuit from Cape Flattery to the mouth of the Columbia River on the south, and to the north end of Vancouver's Island on the north, as the head hunter or captain may determine. Some think, by going south and following the seals up as

they move northward they will catch more; while others believe they can do better by staying close to Cape Flattery. Those vessels which carry Indian hunters go to the Indian villages, and some of them take as many as fifteen canoes if they can get them. Of late years the Indians are learning the prices of skins, and claim more than the owners can afford to pay. They always want to ship on a first-class schooner, unless they own it, when any rattletrap will do. When they start for Bering Sea they usually leave a part of their canoes behind, taking about one-third less than they used in the spring catch. The vessels furnish them flour, biscuits, tea, coffee, sugar, and a little meat when they can not get fresh seal meat. They have two men to each canoe. The head man of the canoe receives the money and pays his assistant. Each canoe is usually provided with a couple of steerers, and either a shotgun or rifle. The most skillful hunter among Indians on board is called "captain," and it is his duty to tell his men when and where to lower their canoes for hunting, and to transact all business between them and the captain of the vessel. Seven or eight years ago the Indians were paid by the length of the skin, but now they are paid by its grade.

In fine weather the boats leave the vessel at daylight and hunt until dark, taking about one day's provisions with them; and should they got lost in a fog they have a hard time until they are picked up by some vessel. When the boats come alongside the vessel, at night, the skins are counted on deck for each boat; the mate takes charge of them and salts them down in the hold, and the crew of each boat gets credit for the skins it captured. The work continues until the spring season is finished, when some go to Victoria to refit, and others in Bancly Sound, and send their skins to Victoria by steamer, with orders for supplies to be sent to them when the steamer returns. Others go on without coming into port to Sand Point, or some other place on the coast, where there is a store, and take supplies before entering Bering Sea. They do not like to go into Victoria, because they usually have trouble with their crews. The work is hard and dangerous. The pay is small, and many run away when they get a chance. There are very few sailors among the crews, the most of them being green hands. Of course each vessel carries two or three sailors in case anything happens to the rigging or sails.

When they arrive in Bering Sea later in the season, they start in to work in earnest. The water is full of them and you can hear them firing all around. The vessels enter the sea about July, but get the most of the seals in August or early September, when the weather gets bad, but they usually have a good catch by that time, if not interfered with. When the hunting is finished they return to the home port, the crew is paid off, the vessel is laid up, and the owner takes charge of the skins and either sells them in the home port or ships them to London.

UNITED STATES REVENUE STEAMER COEWIN,
St. Paul, Kadiak Island, Alaska, June 14, 1892.

Hon. SECRETARY OF THE TREASURY,
Washington, D. C.:

SIR: I have the honor to transmit herewith the following additional notes upon pelagic sealing, trusting that it may prove of interest to the Department. The duties of the vessel, when constantly cruising, require so much of my time that I have been unable to make a full report upon this subject as I had hoped to do.

C. L. Hooper, Vol. I, p. 498.

During my cruise, which began March 9 and ended May 16, I endeavored by every means at my command to give information in regard to pelagic sealing, and while the time has been much too brief to give the matter a thorough and comprehensive investigation, I have been able to gather some facts. The affidavits of more than 200 men, more or less familiar with pelagic sealing, were taken and transmitted to the Department, and while these affidavits differ some in different localities, they are in the main the same and confirm my own observations. Among these 200 men whose statements were taken under oath, many of whom had spent their life hunting fur-seal, not one was found who had ever known of a fur-seal hauling out upon the land or outlying rocks or islands upon the coast of California, Oregon, Washington, British Columbia, or Alaska, except upon the Pribilof Islands. Neither have they ever known a fur-seal to bring forth its young upon the kelp or in the water or upon any of the coasts mentioned, except the Pribilof Islands.

My observations of the fur-seal began on the Pribilof Islands in 1869, and I have visited the islands since at intervals. Last year, 1891, I cruised during July and August in the vicinity of the islands, and examined the rookeries carefully from the vessel and from the shore. To the best of my belief there were not one-fourth part as many seals there last year as when I first visited the islands in 1869 and 1870. That the fur-seals both in the Bering Sea and the Pacific Ocean are becoming less each year there can be no doubt, and unless the indiscriminate slaughter is stopped, they will soon become extinct in the waters named.

In this connection I wish to state that in my judgment by far the greater slaughter and waste of seal life takes place in the Pacific Ocean, where they are constantly hunted and harassed from the time they arrive off the coast of California in January until they enter Bering Sea in June and July. There are this season probably 700 boats or canoes engaged in hunting fur-seals in the Pacific Ocean along the American coast; many of them commenced hunting in January or February off the coast of California and Oregon, and have kept it up continually, following the seals in their movements northward until at the present time they are in the Alaskan Gulf between the St. Elias region and the Aleutian Island passes, toward which the seals are making their way, frightened and exhausted after four months' constant effort to escape the spear and shotgun of the hunter.

The seal catch in the Pacific Ocean of the Victoria sealing fleet alone up to the 12th instant was estimated at 30,000. Victor Jacobson, master of the British sealing schooner *Mary Ellen*, one of the oldest sealers out of Victoria, who furnished me with this estimate, declared it as his belief, based upon what he knew about sealing, that the 30,000 seals taken represent a loss of over 100,000 seals on account of the killing of unborn young, and the loss by sinking and wounding past recovery. The American sealers have probably been equally destructive. This destruction is increasing yearly, not only in the ratio of the increase in the number of vessels, but by reason of the increased experience and knowledge of the habits of the seal by the hunters, and each vessel is able to take more seals than formerly, notwithstanding the fact that seals are becoming less each year. The route of the fur-seal after it first appears off the coast of California in January is well known; all their feeding places are known and carefully watched; indeed, the entire route of travel is carefully watched and patrolled every day that the condition of wind and waves will permit. Long practice has made

the eyesight of the hunter keen, and his knowledge of the habits of the fur-seal perfect. If but one seal attempted to follow the route usually taken by the seal herds, I doubt if it could escape capture, so thorough is the watch that is kept for them. Until recently the old bulls that inhabit the breeding rookeries have not been killed by the hunters, as the skin is of no value; now, however, a use has been found for the old bull, its skin brings the same price as any other, and it is being hunted and killed with the rest. They are found in large numbers off Yakutat and the vicinity of Middleton Island. The American schooner *Henry Dennis*, previously reported by me as taking old male seals of Yakutat, arrived at this place a few days since with over 1,600 skins, having taken about 1,000 since we spoke her on the 23d of April between the points named. Of these I am told that many were very large old males. The breeding females, pups, and young males are hunted and killed from the time they reach the coast of California until they enter Bering Sea, and the older males and old bulls that inhabit the breeding rookeries are being killed upon their feeding grounds in the Alaskan Gulf.

With this condition of affairs existing in the Pacific Ocean, it is easy to understand that no amount of protection to the fur-seal in Bering Sea will prevent their becoming extinct in a few years. They must be protected in the Pacific Ocean also, or the day of the fur-seal is numbered.

The sealing on the coast of California and Oregon is done by schooners manned by white men and properly fitted for remaining at sea in all weathers. Many of these schooners are part of the Bering Sea fleet. There appears to be no fixed rate of compensation for the crews of these vessels; each owner makes his own bargain. The hunters are paid by the skin. The master, as a rule, is paid by the month at \$75 or \$100, although some receive a share of the catch. Many of the larger vessels carry two mates, who receive \$60 and \$45 per month, respectively. The cook receives \$50 or \$60, according to the size of the vessel; the hunters receiving from \$3.50 to \$4 per skin this year. The boats' crews, called boat-pullers and boat-steerers, receive \$25 to \$30 per month, or 25 cents per skin, and \$15 per month, or 60 cents per skin without monthly pay. The vessel furnishes food, and, it is said, feed the men fairly well. The hunters live in the cabin with the master. Their duty consists entirely in shooting seals. They have nothing to do with the working of the vessel and do not even take off or salt skins of the seals caught by themselves. The boat in general use by the sealers is what is known as an otter boat, as it was first used by the sea-otter hunters. It is from 18 to 24 feet in length, sharp ends, with rounded bottom, and easy, graceful lines to enable it to go through the water with as little noise as possible. The boat is fitted with two pairs of short oars or sculls and two sails. A mainsail, which is fitted to hoist and lower on the mast, and a jib. The latter impress me as being in the hunter's way and altogether inconvenient, but they are invariably used. Although they cruise under sail a great deal, the hunter has a prejudice against the centerboard, and very few boats are fitted that way. It is claimed that the centerboard makes a noise, and in approaching a sleeping seal silence is of the first importance. A boat's crew consists of three men, the hunter who stands forward, the boat-puller who sits amidships and pulls, and the boat-steerer who stands or sits near the stern of the boat facing forward and pushes and steers the boat with the sculls at the same time, as directed by the hunter by word or sign. Each boat is furnished with two shotguns,

and many in addition carry a Winchester rifle. Only the best breech-loading shotguns are used. The 10-gauge hammerless Parker is a favorite. The charge is 4 to 5 drams of powder and 21 No. 2 or 28 No. 3 buckshot in brass shells; paper shells being kept in the boat absorb moisture, swell up, and will not enter the gun.

In getting our sealing outfit in San Francisco I bought paper shells, but soon found that they would not answer the purpose, for this reason; the guns and ammunition are generally furnished by the vessel, but some hunters prefer to use their own guns and to prepare their own ammunition. The larger vessels carry six regular boats on deck, and a boat hoisted at the stern, which in moderate weather and when seals are near the vessel is used by the master. In weather suitable for sealing, all boats are lowered about 6 a. m., to give them an opportunity to separate and get well away from the vessel before the seals begin to sleep. If there is a breeze, sail is made at once; if not, oars are used, the rowers bending to their oars with a will, while the hunter stands erect in the bow of the tiny craft, his gun in hand, scanning the sea carefully in every direction, bent upon the destruction of any seal that fate might throw in his way, whether old, young, male, or female, it matters not to the hunter, he is paid so many dollars for a seal-skin, and all count. Upon leaving the vessel the boats always work to windward, as sleeping seals can only be approached from the leeward side. If under sail and a sleeper is seen sail is immediately taken in and the sculls used. The vessel follows the boats under short sail, and endeavors to keep them in sight, or at least know in what direction they are. In this they are not always successful, as the boats sometimes get separated from the vessel and are picked up by other vessels after several days' exposure, and cases are not wanting of boats having been lost entirely. Sealing boats seldom leave the vessel without a supply of food and water sufficient for a day or two. They are also fitted with a compass. Traveling or playing seals are shot at and occasionally secured, but a large majority of seals taken are killed while asleep. Seals sleep in the daytime and in good weather only. The time of day they go to sleep depends upon the state of the weather and condition of the sea then and in the immediate past. If they have been kept awake by bad weather they go to sleep earlier than they do in a long spell of good weather. Generally on a moderate day they are found sleeping if found at all from 9 to 11 o'clock in the forenoon, and until 5 or 6 o'clock in the afternoon, and sometimes later. After they are awake, if the weather is particularly fine, they remain rolling and playing on the water, and are not difficult to kill if approached very cautiously. But they are exceedingly wary, either sleeping or waking, and great skill and caution is required to secure them.

The seal lies upon his back while sleeping, with his nose out of water, his flippers folded or slightly raised, and his head to leeward; his muscles are apparently relaxed, and his head swings from side to side with each undulation of the waves. Whether he keeps his head to leeward of his body from choice or his head being the only part exposed he assumes that position in obedience to the action of the wind, I am unable to state. I am assured by all hunters that such is the fact, and that when sleeping during light baffling airs the seal changes his position with each change of the wind, no matter how slight, and without showing any signs of conscious action. As stated, the boat approaches the seal from the leeward side, rowing up to him as silently as possible. With a light breeze blowing, the seal sleeping soundly, and all the conditions favorable, the hunter can select his own distance. He approaches

within 10 to 20 yards and shoots the seal in the side of the head as it is moved from side to side by the action of the sea, and easily kills it. The boat being so near the seal and head-to, and the men all ready to "give way," only a few seconds of time are required to get the seal into the boat, and but few are lost. But the conditions are not always so favorable. The seal is a very light sleeper at best and awakes at the slightest sound, and during a long-continued spell of fine weather it becomes exceedingly wakeful, and it is with difficulty that it is approached near enough to kill. As a hunter is trying to get within shooting distance, if the sleeping seal shows signs of waking, he does not hesitate to shoot because he may possibly miss it or because the seal is so far away that if killed it may sink before the boat can reach it; he gives himself the benefit of the doubt, and shoots whenever in his mind there is a possibility of killing, no matter how remote the possibility may be. An accidental shot may kill the seal and bring to the hunter \$4. "A seal has no value until he is captured" is a common saying among the sealers. A miss costs the hunter nothing.

Neither do they confine themselves to shooting at sleeping seals, but shoot at everything that comes within possible range and remain above water long enough for the hunter to get his gun to his shoulder. If the distance is too great for the shotgun the rifle is substituted. The chances of missing entirely or only wounding the seal increase with the increased distance, and if killed the chances of the seal sinking before it can be reached by the boat also increase with the distance, on account of the greater time required to get to it. Therefore, while the percentage of loss by sinking of seals shot while sleeping is comparatively small, the loss by sinking and wounding past recovery of seals shot at in the water under all conditions is considerable. The estimated percentage of loss of seals in this way, as shown by the average of the affidavits of sealers, both white and Indian, is about 37 $\frac{1}{2}$ per cent. The actual percentage of loss by us by sinking and wounding of seals shot was 46 per cent. The estimated loss, as shown by the affidavits of the sealers, vary greatly, some claiming little or no loss and others admitting as high as 50 per cent. I account for these discrepancies by supposing, first, that the percentage of loss differs with different men and under different conditions. That the sealers are not close observers, and are only interested in those they secure, and that those who claim no losses do not tell the truth. We know positively by our own experience that there are losses—some seal shot by our hunters sunk immediately. On the coast of Washington sealing begins in March and is carried on in small schooners manned by Indians. They hunt in canoes, each canoe containing two men. They are propelled by sail and paddles, and while they all carry shotguns and rifles they depend almost entirely upon the spear, with which they are very expert.

The schooners take from eight to fifteen canoes on deck, according to the size of the vessel. They remain at sea as long as the weather remains suitable for sealing, and cruise within a radius of 80 or 100 miles of Cape Flattery. The Indians furnish canoes and outfitts, spears, paddles, guns, ammunition, and their own food, fuel, and water, and receive two-thirds of the catch, the vessel taking one-third and buying the other two-thirds from the Indians. Some of these vessels, after the close of the sealing season off Cape Flattery, fit out for Bering Sea. The schooner *Lotta*, of about 30 tons, owned and commanded by an Indian crew, has been three seasons in Bering Sea; she carried six canoes, and made a good catch each time. Many of the Neah Bay Indians are in good circumstances, the result of successful seal hunting.

Two of the Indian hunters taken on board the *Corwin* at Neah Bay. Klahosh and his son Schuyler Colfax, while at Sitka bargained for the schooner *Ethel*, seized by this vessel in Bering Sea last year, now owned at Sitka and named the *Clara*. She is to be delivered to them on Puget Sound at the end of the present sealing season on the coast for the sum of \$750. Later in the season the Indians at Quillehute and Neah Bay go out from the land sealing in their canoes; also from the harbors on the south and west coast of Vancouver. The Vancouver Indians go out somewhat earlier than the others, for the reason that the seals come nearer the coast, and are not compelled to venture so far from shore in the treacherous weather of early spring. Two men constitute a crew for a Vancouver Island or Cape Flattery canoe. They seldom remain out over night. The Quillehute canoes carry three men, and on account of the much greater distance they are compelled to go to find seal are often kept out over night.

Many of the Vancouver Island Indians are taken out as sealing crews on the Victoria sealing schooners. The schooner *Rosie Olsen*, boarded by us May 13, had a crew consisting of Vancouver Indians. Each canoe receives \$3 for each skin taken by her, or \$1.50 per man, and a bounty of \$25 a canoe for the season. The chief or head man receives \$120 for engaging the canoes.

Owing to the later arrival of spring and pleasant weather farther north, the sealing season there begins later. At Sitka they made the first sealing trips in canoes about May 1. On account of the uncertainty of the weather they dared not venture out earlier. We saw numerous seals off the entrance to Sitka Sound early in April, and so reported to the Indians at Sitka, but even this was not enough to tempt them outside until the arrival of settled weather. At Hooniah about the middle of April we were told that hunters were out after hair-seal and fish for use on a seal and sea-otter hunting trip which they proposed to undertake some weeks later.

On our arrival at Capes Chacon and Muzon, on the north side of Dixons Entrance about May 11, we found large numbers of Indian seal-hunters from various parts of Alaska and from British Columbia and Queen Charlotte Island encamped waiting for moderate weather to begin sealing. They arrived on the ground about May 1, and said they would return to their home sometime in June, as the seal would then be gone. But three seals had been taken at Cape Chacon, and two at Cape Muzon.

A crew for a hunting canoe at Cape Chacon consists of four men. The Cape Muzon canoes, which are larger and go farther to sea in search of seals, carry six men. The hunter is in charge, and employs the other men. They use the spear but little, depending almost entirely upon the gun, and what seems most remarkable, they use the Hudson Bay musket, a single-barreled muzzle-loader of large bore, instead of the fine double-barreled breechloader in use by the white hunters and the Neah Bay and other Indians.

The white hunters use principally shotguns, but in some cases the rifle. A boat contains a hunter and a rower and a steerer. Whenever a seal comes within gunshot L. G. Shepard, p. 188. range, the white hunter fires at it.

Second. Deponent's views as to the history of the sealing business down to the year 1887 are best set forth in a statement prepared by him personally, and submitted to a committee of Congress on merchant marine, hereto annexed and marked A. Before submitting that statement to

the committee, deponent submitted it to the firm of C. M. Lampson & Co., of London, who have been his correspondents, and in reply received from them a letter, the original of which deponent now has, and a copy of which is hereto annexed and marked B. Deponent thinks no modification of the statements made in those two communications is necessary in the light of subsequent events, excepting in respect to the prediction of the Russian authorities that in consequence of the reckless and indiscriminate killing of seals by the Americans, the Pribilof herd would emigrate to the Russian Islands. That prediction has not been verified.

WEAPONS.

(See, also, "Vessels, outfit, etc.," and "Indian hunters.")

Chas. Adair, p. 400. The first day I hunted we killed fifteen, and used rifles and shotguns, but we used the shotguns mostly.

Peter Anderson, p. 313. We used the shotgun and rifle exclusively in the boats I was in.

Chas. Avery, p. 218. We use rifles and shotguns.

Q. Do you generally shoot seals with a rifle or shotgun, and if the latter, with buckshot or fine shot?—A. We use both, but principally with a shotgun loaded with No. 2 shot, heavy buckshot.

Johnny Baronovitch, p. 276. Always used the shotgun for taking seal.

Chas. Campbell, p. 257. The Parker shotgun is used by me exclusively.

Peter Church, p. 257. Have always used shotgun and rifle.

Q. Do you generally shoot seals with a rifle, or a shotgun?—A. Mostly with a shotgun.

Daniel Claussen, p. 412. Q. What shot do you use, buckshot or fine shot?—A. Buckshot.

Jno. C. Clement, p. 258. Have caught seal all along the coast from Cape Flattery to the Pribilof Islands, using the shotgun exclusively.

The hunters used both shotguns and rifles. They used a rifle to shoot breaching seals, and a shotgun to shoot sleepers and tramps. The shotgun is not as fatal as the rifle, but wounds a great many more.

Peter Collins, p. 413. We used shotguns all the time; we had rifles, but we did not use them.

John Dalton, p. 418. Always use the shotgun and rifle for taking seal.

George Dishow, p. 323. I use a shotgun exclusively for taking seal.
• • • I use the Parker shotgun.

Q. Do you generally shoot seals with a rifle or a shotgun?—A. Most all hunters use shotguns, *Luther T. Franklin, p. 426.*
but I use a rifle with .38-.40 caliber.

We used both shotguns and spears, as occasion required. When we see plenty of seals in sight we use the spear, and when we see only one or two we use the shotgun. *Thos. Frazer, p. 365.*

Q. Do you generally shoot seals with a rifle or a shotgun; and if the latter, with buckshot or fine shot?—A. We shoot nearly all of them with a shotgun, using *Edward W. Funcke, p. 428.* buckshot.

Have used shotgun and rifle in taking seal. *Gonastut, p. 238.*

Have always used shotgun and rifle for taking seal. *Jas. Gondowen, p. 259.*

Our hunters used rifles and shotguns. *Geo. Grady, p. 433.*

The shotgun and rifle were both used. *Jas. Griffin, p. 433.*

We used shotguns and rifles, using the shot-guns mostly. *Jos. Grymes, p. 434.*

Q. Are seals generally shot with a rifle or shot-gun with buckshot?—A. Both. *Chas. H. Hagman, p. 436.*

Q. Are they generally shot with a rifle or shot-gun?—A. A shotgun exclusively, you might say.

The hunters used shotguns and rifles. *Jas. Harrison, p. 326.*

Q. Do you generally shoot seals with a rifle or shotgun, and if the latter, with buckshot or fine shot?—A. We generally shoot the seals with buckshot if we are close enough; if not, we shoot them with a rifle. *Wm. Henson, p. 484.*

I use a shotgun when I am hunting seal and a rifle for otter hunting. I hunt with a No. 8 bore shotgun, and use No. 1 shot. *Wm. Hermann, p. 446.*

I now use shotgun exclusively for taking seal. *E. Hofstad, p. 260.*

Q. Do you generally shoot seals with a rifle or shotgun; and if the latter, with buckshot or fine shot?—A. Mostly with buckshot and a shotgun. *Andrew J. Hoffman, p. 447.*

Q. Are seals generally shot with a rifle or shot-gun?—A. Both rifle and shotgun; mostly shotguns. *Gustave Isaacson, p. 440.*

Q. Are these seals generally shot with a rifle or a shotgun?—A. I generally shoot them with a rifle myself, but they are generally shot with a shotgun, from what I hear. *Frank Johnson, p. 441.*

J. Johnson, p. 331. Have always used a shotgun for taking seals.

Jack Johnson, p. 282. And have hunted fur-seal in Queen Charlotte Sound, using shotgun exclusively.

In former times the seals were shot with rifles, and only had one small hole through which the bullet entered. Now *Geo. Liebes*, p. 511. shotguns are used, and the skins are frequently so perforated that they look more like a sieve than a skin, which reduces their commercial value over 50 per cent.

Wm. H. Long, p. 457. I used both shotguns and rifles.

Q. Do you generally shoot seals with a rifle or a shotgun?—A. A shotgun principally.

Chas. Lutjens, p. 459. Q. What kind of shot do you use, buckshot or fine shot?—A. Buckshot.

J. D. McDonald, p. 266. Have always used the shotgun for sealing.

The hunters shot with rifles and used cartridges and shot at all kinds *Wm. McIsaac*, p. 461. they saw. They also had double-barrel shotguns and made their own cartridges.

Q. Are seals generally shot with a rifle or shotgun?—A. They used *Alex. McLean*, p. 438. to shoot them with rifles; now they shoot them all with shotguns.

Q. Are seals generally shot with a rifle or shotgun?—A. With a *Dan'l. McLean*, p. 444. shotgun. Some with a rifle; mostly with a shotgun.

Edw'd Maitland, p. 284. Always used the shotgun for taking seal.

Patrick Maroney, p. 464. We used shotguns with No. 12 shot. When we had to shoot at long range we used rifles.

Chas. Martin, p. 297. I use the shotgun for taking seal.

Amos Mill, p. 285. Have always used the shotgun for taking seal.

G. E. Miner, p. 466. Shotgun and rifle have been used by me for taking seal.

Frank Moreau, p. 467. Q. Do you use buckshot or fine shot?—A. Buckshot.

Jno. Morris, p. 340. We used rifles and shotguns in hunting the seals.

Nashow, p. 298. Have always used spear and shotgun for taking seal.

Dan. Nathlan, p. 286. Have always used the shotgun for taking seal.

We hunt sometimes with a shotgun, and sometimes with a rifle. Breaching seals we shoot with a rifle, and sleeping seals with a shotgun. *Niles Nelson, p. 469.*

Have used both rifle and shotgun in killing seals, but now use shotgun only, having found that for same number of shots more seals are taken therewith. *W. Roberts, p. 241.*

On the voyage of the *City of San Diego*, which lasted about eight months, we got about 1,900 seals. The hunters had rifles and shotguns, but as we entered the Bering Sea the revenue-cutter *Corwin* took away our rifles and left us the shotguns. *Adolphus Sayers, p. 473.*

Shotgun and rifle are used by me for taking seal. *Jack Shucky, p. 289.*

Always use shotgun and rifle. *Aaron Simson, p. 290.*

I have always used a shotgun for taking seal. *Geo. Skultka, p. 290.*

Always used a shotgun exclusively for taking seal. *Fred Smith, p. 349.*

We hunted with shotguns and rifles, and killed most of the seals when they were asleep on the water. *E. W. Siron, p. 479.*

I use the shotgun exclusively for taking seal. *Joshua Stickland, p. 350.*

Q. Do you generally shoot seals with a rifle or a shotgun, and if the latter, with buckshot or fine shot?—A. I generally shoot them with a shotgun loaded with buckshot if asleep; if awake we generally shoot them with a rifle. *Gustave Sundvall, p. 481.*

The white hunters use shotguns altogether for taking seal. *W. Thomas, p. 485.*

We used mostly shotguns in killing seals. We carried rifles but did not use them much. *Adolph W. Thompson, p. 486.*

Have always used a shotgun to take seal. *Peter Trearsheit, p. 271.*

I have always used the shotgun for taking seal. *Geo. Usher, p. 291.*

I use shotgun and rifle to take seal. *Rudolph Walton, p. 272.*

Have always used the shotgun for killing seal. *Fred. Wilson, p. 301.*

When I was a boy, bought a shotgun from the Hudson Bay Company at Fort Simpson and have always used the shotgun for taking seal. *Hastings Yethnow, p. 302.*

We only used rifles. *Geo. Zammit, p. 507.*

RESULTS.

INDISCRIMINATE SLAUGHTER.

It is impossible to distinguish the sex of a seal in the water, unless it is an old bull. I am unable to state anything as to the proportion of females taken, but the seal-hunter shoots every kind of seal he sees.

C. A. Abbey, p. 187. **I can not tell the difference between the male and female seal while in the water, except it be an old bull.**

I shoot all seal that come near the canoe and use no discrimination, as I can not distinguish a young bull from a cow in the water. All hunters shoot everything that comes near their boats.

A. B. Alexander, p. 355. **No discrimination is or can be used; everything is game that comes within range of the hunter's weapon.**

H. Andricius, p. 314. **It is impossible to distinguish the male from the female at a distance in the water.**

Charles Avery, p. 218. **It is not possible to distinguish sex when seals are swimming, and killing is indiscriminate.**

Adam Ayonkee, p. 255. **The sex of seal can not be told in the water. I shoot everything that comes near the boat.**

I used no discrimination, but kill everything that came near the boat in shape of a seal. Never stopped to ask if it is female or not. A few old bulls have been taken by me.

Maurice Bates, p. 277. **Everything that comes near the boat in shape of a seal is shot, regardless of sex.**

Wilton C. Bennett, p. 356. **The sex of the seal can not be told in the water; I shoot everything that comes near the boat.**

Edwd. Benson, p. 277. **We kill everything that comes near the boat, and use no discrimination, but shoot them regardless of sex.**

The sex of the seal can not be told in the water unless it be an old bull, which is told by its size. I use no discrimination in hunting, but kill everything that comes near.

Martin Benson, p. 405. **It is almost impossible to distinguish the female seals from the male in the water, unless it is an old bull.**

It is not possible to make any distinction between males (other than large bulls) and females of the fur-seal species at sea, and there is none attempted. Full-powered *J. A. Bradley*, p. 227. bulls are, however, readily recognized at sea by their much larger size and darker fur; they are seldom taken, their pelts being comparatively valueless. The slaughter is therefore indiscriminate, the object being to secure all the skins possible.

We used to shoot at anything we ran across, and got about a third of what we killed or wounded. I do not know how many miles off the seal islands we were when *Thomas Bradley*, p. 406. we caught them, as I did not know the distances.

It is not easy to tell a bull seal from a cow, or either from a year-old pup, when they are in the water, and the hunters must shoot at all the seals they see. If they get *William Brennan*, p. 360. them they are fortunate, for at the best many are lost. Some hunters rarely miss a seal they fire at, but many are wounded, and a seal with a charge of bullets and buckshot in him must be in very vigorous health to recover. Some hunters never miss a seal during the season, but if others get one out of four they wound they are doing well.

It is practically impossible to distinguish the age or sex of seals in the water while approaching them while at a *Henry Brown*, p. 318. reasonable gunshot distance from them excepting in the case of old bulls.

Use no discrimination, but kill all seal that come near the boat. The best way to shoot seal to secure them: Shoot them in the back of the head when they are asleep with *Peter Brown*, p. 313. their noses under water.

I can not distinguish male seals from female *Landis Callapa*, p. 379. at a distance in the water, unless it be an old bull with a long wig.

Can not distinguish the sex of the seal in the water except in the case of an old bull, which is told by its size. Use no discrimination, but kill everything that comes *Charles Campbell*, p. 256. near the boat in shape of a seal.

There is no way of distinguishing the sex of fur-seals (except large bulls), in the water at sea, nor do hunters ever make any effort to do so, but on the contrary kill *Vassili Chichinoff et al.*, p. 219. all seals they can indiscriminately.

Sex of the seal can not be told in the water unless it be an old bull. All seal are shot that come near the boat, regard- *Simeon Chin-koo-tin*, p. less of sex. 256.

It is impossible to distinguish the sex of the fur-seal in the water at sea, and no effort was made to do so. We killed *Julius Christiansen*, p. 219. all fur-seals indiscriminately.

Peter Church, p. 257. The sex of the seal can not be distinguished in the water. I shoot everything that comes near enough.

Jas. Claplanboo, p. 382. I am unable to tell a male seal from a female while in the water, unless it be an old bull with a long wig.

The sex can not be told in the water, and all are shot that come near the boat. *No discrimination is used; hunters kill everything they see.*

In pelagic sealing no distinction is made by hunters as to the sex of the seals, the killing being done indiscriminately. *M. Cohen, p. 225.* It is not possible to distinguish between the male and female seals at sea even if a hunter so desired, and this is the reason why pelagic seal hunting will soon result in the total extermination of the species.

Peter Collins, p. 413. The hunters will kill any seals that come along, it being impossible to tell the sex in the water.

All seal are killed that come near the canoe, whether it is male or female. I make no difference. In former years *Charlie Dahtlin, p. 278.* there were lots of seal, but now there are very few. Too many schooners hunting them all the time in the water, killing the mother seals as well as others.

Alfred Dardean, p. 322. We tried to shoot them while asleep, but shot all that came in our way.

Use no discrimination in killing seal, but shoot everything that comes near the boat in shape of a seal. Hunters shoot seal in the most exposed part of the body. *Geo. Dishow, p. 323.*

Peter Duffy, p. 421. I can not tell the sex of the seal in the water.

I never examine them to know whether they are men or women seal. *Echon, p. 280.* I can not tell the difference in the water, and shoot everything without knowing whether they are men or women.

While there is some difference in the appearance of the female and old male seals, I do not think it would be possible for the hunters to tell that difference in the sea at any great distance. *M. C. Erskine, p. 422.*

Chief Frank, p. 280. Everything in shape of seal that comes near the boat is killed.

I can not tell the sex of a seal in the water; use no discrimination, but kill everything that comes near the boat. *Luke Frank, p. 294.*

There is no way by which hunters can distinguish sex while the seals are in the water, nor do we aim to do so; the killing is always done in an indiscriminate *Thos. Frazer, p. 365.* way.

I could not tell whether a seal was a male or female while it was in the water, unless it was an old *Wm. Frazer, p. 427.* bull.

There is no way that I know of to distinguish the sex of a seal when it is in the water. No attempt is made to *F. F. Feeny, p. 220.* discriminate the sex so as to kill only males.

Can not distinguish the sex of seal in the water, but spear everything that comes near the boat, regardless of sex. *Chad. George, p. 365.*

I have never examined the seal as to sex. I shoot everything that comes near the boat and use no discrimination *Chas. Gibson, p. 281.* whatever.

I kill everything that comes near the boat and use no discrimination, as the sex can not be told in the water, except it be an old bull, which is told by its size. *Gonastut, p. 238.*

Can not distinguish sex of seal in the water. Hunters use no discrimination, and killed everything that comes near the boat. *Jas. Gondowen, p. 259.*

We have no way of distinguishing fur-seals in the water at sea, as to whether males or females, and do not try to do so; but kill all we can indiscriminately. *Nicoli Gregoroff et al., p. 234.*

Every seal is shot that comes near the boat, regardless of sex; hunters use no discrimination. *Jas. Griffin, p. 432.*

Among all other fur-seals at sea no distinction is possible and none is attempted. The killing is indiscriminate, the object being to secure all the pelts possible. Bulls are, however, readily recognized at sea by their larger size and darker fur. *A. J. Gould, p. 231.*

I always shoot everything that comes near the boat; can not tell the sex in the water. *Henry Haldane, p. 281.*

I use no discrimination in sealing, but shoot everything that comes near the boat, regardless of sex. *Martin Hannon, p. 445.*

I can't tell a male from a female while in the water, at a distance. *Jas. Harrison, p. 326.*

My experience has been that the vessels employed in hunting seals shoot, indiscriminately, pups, male and female seals, regardless of age or sex; and even should sealers wish to discriminate in the killing it would not be possible for them to do so. My study of them in a long ex-

perience has not enabled me to positively distinguish the sex of a seal while in the water. It is the custom to pay seal-hunters per skins taken; hence it is the object of the hunters to secure as many as possible, without reference to sex, age, or condition. While hunting they use small rowboats, with two or three men in each boat armed with shotgun and rifle, chiefly the former, and it would be simply impossible for the master or owners, even should they desire it, to supervise ten or a dozen hunters as to the killing of any particular sex or kind.

Wm. Hermann, p. 446. It is difficult to tell the sex of a seal which you shoot at in the water, but you can tell a young seal from an old seal.

It is impossible to distinguish positively between females and males (other than large bulls) in the water at sea, and

Norman Hodgson, p. 367. no effort is made to do so. Full-powered bulls are readily recognized by their great bulk and

darker fur. The killing of fur-seals is therefore absolutely indiscriminate, as the object is to secure all the skins possible, irrespective of sex, age, or condition.

Hunters use no discrimination in shooting seal, but kill everthing that comes near the boat. They could not discriminate if they wanted to, as the sex can not be told in the water.

O. Holm, p. 368. The sex of seal can not be distinguished in the water, unless it be an old bull. No discrimination is used in taking

E. Hofstad, p. 260. seal; everything that comes near the boat is killed.

We try to take the seals when asleep on the waters, but the hunters are usually paid a certain sum for each seal taken,

Jas. Jamieson, p. 321. and they try to kill everything, without reference to age, sex, or condition.

I use no discrimination in killing seal, but kill everything that comes near the boat in the shape of a seal. Al-

J. Johnson, p. 331. ways shoot seal in the back of the head, if possible. Sometimes seal are shot in the shoulders and

wound them; then they can not get away.

Jack Johnson, p. 283. Everything in the shape of a seal that comes near the boat is shot.

Selvish Johnson, p. 388. I am unable to distinguish a male seal from a female seal while at a distance in the water.

Johnnie Johnntin, p. 282. I shoot everything in shape of a seal that comes near the boat, and use no discrimination.

The sex of the seal can not be told in the water unless in the case of an old bull, which is told by its size. We use no

Philip Kashevareff, p. 262. discrimination in shooting seal. Everything is killed that comes near the boat, regardless of sex.

We can not tell the difference between a male and a female in the water, but kill everything that comes near the boat. *King Kaskwa, p. 295.*

The sex of the seal can not be distinguished in the water. Everything is shot that comes near 262. *Mike Kethneduok, p. 262.*

All killing of seals in the water must of necessity be indiscriminate slaughter, as it is impossible to tell the sex or the exact age of a seal until it has been taken into the boat, whereas on land careful discrimination can be made. *François R. King-Hall, p. 333.*

Hunters use no discrimination in hunting seal, but shoot everything that comes near the boat. *Kinkooga, p. 240.*

Hunters always kill all seal that come near the boat, regardless of sex. *C. Klananeock, p. 263.*

Female and male seals look the same in water, unless it be an old bull, which I can tell by its bigness, and I shoot everything that comes near the canoe. *Jas. Klonacket, p. 283.*

I kill everything that comes near the canoe, regardless of sex. *Robert Kooko, p. 296.*

I always kill every seal that comes near the boat; hunters use no discrimination. *Jno. Kowineet, p. 264.*

My experience is that about four-fifths of all fur-seals killed in the water are lost. I can not tell a male from a female in the water, and when killing them never make any effort to do so, as the object is to get all the skins possible. *Olaf Kvam, p. 236.*

Have never killed but few old bulls in my life. The only seal that can be distinguished in the water is the old bull, which can be told by its size. Everything in shape of seal that comes near the boat are killed if possible, regardless of sex. *George Lachock, p. 265.*

We can not distinguish between the sexes of fur seals in the water at sea, nor do we try to. On the contrary, everything in sight is taken if possible, except large bulls, whose skins are worthless. *E. L. Lawson, p. 221.*

It is impossible to distinguish between males and females of the fur-seal species in the water at sea, excepting large bulls, and no effort is made to do so. The object is to get all the marketable skins possible, and the killing is consequently indiscriminate. The pelts of large bulls, whose fur is coarse and of little value, and of yearlings of both sexes, whose skins are too small, not being strictly "marketable" skins, they were not taken. *Jas. E. Lennan, p. 370.*

Of late years most of the catches of northwest skins are sold at a certain price per skin, without particular examination. The dealers, knowing the location from which the skins are obtained, make an average price, and owners and hunters are, therefore, less particular than they were in former years as to the class of animals they capture. They kill everything they see without regard to age or sex, their only object being to swell the total number of the catch to the highest possible figure.

I am unable to tell a male seal from a female while in the water, unless it be an old bull with a long wig.

Formerly, we used to hunt seals for food and sold the skins to traders for \$2 or \$3 each, but for the last few years we have been getting big prices for the skins and we catch all we can without regard to size or sex. Ten years ago I seldom saw a white hunter shooting seals, but now the sea is full of them and they are banging away all the time, getting some but killing and wounding a great many they do not get.

But of course you could not tell when you shot a seal lying asleep whether it was a male or female. We shoot at all the seals we get a chance, but it is only the ones that we find asleep that we catch.

It is impossible to distinguish the sex of fur seals at sea (excepting large bulls), and no effort is made to do so, the object being to secure all the skins possible; hence the killing is indiscriminate.

Wm. H. Long, p. 458. It is impossible to tell the sex of a seal in the water.

Geo. McAlpine, p. 266. Everything was killed that came near the boat; we did not use any discrimination.

The sex can not be distinguished in the water unless it be the case of an old bull, which is distinguished by its size. *J. D. McDonald, p. 266.* Everything is killed in the shape of a seal that comes near the boat.

When we had fine weather we were out in the boats killing all the seals we could get. We could not hunt in rough weather.

Wm. McIsaac, p. 461. Sex of seal can not be told in the water. We use no discrimination and kill all seal that come near the boat. Seal are not shot in any particular place; shoot them in the head if possible; if not, in the body.

Edward. Maitland, p. 284. It makes no difference if a seal is a male or female ; we shoot everything that comes near enough.

I know it to be the custom of seal hunters to shoot seals at sea when they are at rest upon the surface of the water, and that those generally obtained are females *John Malowansky, p. 198.* and constitute but a very small portion of those killed and lost.

Everything that comes near the boat in shape of a seal is shot; I can not tell the sex of a seal till after it is *Frederick Mason, p. 284.* dead.

We hunted with shotguns and shot them mostly when they were asleep on the water, or any chance we could get. I was a boat puller, and the hunters shot at every- *Henry Mason, p. 465.* thing in sight.

We generally tried to kill them while asleep in the water, but fired at everything that came around us. *Thorval Mathasan, p. 339.*

I shoot all seal that come near the boat, regardless of sex; have never killed but two old bulls in my life; I have killed a few young bulls, and plenty of yearling seal; never examined them *Amos Mill, p. 285.* as to sex.

I use no discrimination in shooting seals; shoot everything that comes near the boat, and all other hunters do *G. E. Miner, p. 466.* the same.

Q. If awake, do you shoot them while breaching?—A. Yes, sir; we shoot at them anywhere, either while they are breaching, or heads up or any way. *Frank Moreau, p. 468.*

We shot at everything in sight. We killed more females than males, and we lost a good many that we killed. *Eddie Morehead, p. 467.*

Shoot everything that comes near the boat in shape of a seal, and use no discrimination. *Matthew Morris, p. 286.*

The sex of the seal can not be told in the water. Hunters use no discrimination, but kill everything they can. *Nashou, p. 298.*

I can not tell a male from a female in the water, and it makes no difference; I shoot everything that comes near the canoe in shape of a seal. *Smith Natch, p. 298.*

We shoot everything that comes near the canoe, regardless of sex. The sex can not be told in the water unless it be an old bull. *Dan Nathlan, p. 286.*

Everything is killed that comes near the canoe in shape of a seal. We can not tell a male from a female in the water. *Jos. Neishkaik, p. 289.*

I can not tell the age or sex of seals in the water. *Niles Nelson, p. 469.*

I can not tell the difference between a male and female seal in the water, and I shoot every seal that comes near the canoe.
Nikla-ah, p. 288.

Sex can not be distinguished while the seals are in the water, nor do the hunters try to do so, for they kill everything they can shoot.
Nelson T. Oliver, p. 372.

Osly, p. 39. I am unable to tell the sex of the seal while it is in the water, unless it be an old bull with a long wig.

I never have captured any full-grown cows on the coast that were barren, and seldom see any old bulls and can not tell the sex of a seal in the water.
Wilson Parker, p. 392.

It is impossible to distinguish the male seal from the female when they are in the water at a reasonable gunshot distance.
Chas. Peterson, p. 345.

Yearlings are rarely taken in North Pacific. The age or sex of a seal in the water can not be distinguished, except that when close the apparent size is an indication of age.
W. Roberts, p. 241.

W. Roberts, p. 242. No discrimination is shown in taking seal. The object is to take every one possible.

I use a shotgun to hunt for seal. Have lost very few seal, as I always shoot them near the boat. Everything in shape of a seal that comes near the boat is killed.
Rondtus, p. 242. I use no discrimination.

Everything in the shape of a seal that comes near the boat is shot.
Abel Ryan, p. 299. Hunters use no discrimination, but kill everything that puts its head above water.

It is impossible to distinguish a male from a female seal in the water, except in the case of a very old bull, when his size distinguishes him. Therefore open-sea sealing is entirely indiscriminate as to sex or age.
L. G. Shepard, p. 189.

Seal hunters shoot all seals that they can, because they are paid so much a skin, whether large or small, male or female. It is impossible to distinguish the sex of the seal in the water, except the old ones.
Wm. Short, p. 348.

All seal are killed that come near the boat. I never stop to consider whether it is a male or female, but kill it off if I can.
Jack Shucky, p. 289.

Martin Singay, p. 348. I can not tell the sex of a seal in the water, but shoot everything that comes near the boat in shape of a seal.

Hunters use no discrimination, but shoot everything that comes near them. Their sex can not be told unless in the case of an old bull, which is distinguishable by its size. *Jack Sitka, p. 268.*

The sex of the seal can not be told in the water. I kill everything that comes near my canoe in shape of a seal, and all other hunters do the same. *Thomas Skowl, p. 300.*

Always shoot everything that comes near the boat in shape of a seal, regardless of sex. *Geo. Skultka, p. 290.*

My orders were to kill them indiscriminately, across. It is impossible to tell a female from a male in the water, unless it is an old bull. *everything I ran Jas. Sloan, p. 477.*

Hunters use no discrimination, but shoot every- thing that comes near the boat. *Fred Smith, p. 349.*

It is impossible to distinguish between male and female seals at sea, even if the hunters so desired, except in the case of full-powered bulls, when they are readily recognized by their greatly superior size. Large bulls are rarely taken. No distinction is thought of by pelagic seal hunters, and the killing is done indiscriminately, the object being to secure as many skins as possible. *Jno. W. Smith, p. 293.*

Sex of seal can not be distinguished in the water. We use no discrimination in hunting; shoot every seal that comes near the boat. Seal are most always shot in the head if it is possible; if not they are shot in the body where exposed. *Wm. H. Smith, p. 478.*

I can not tell the sex of the seal in the water unless he is an old bull. A hunter will blaze away at anything he sees in the water. *E. W. Soron, p. 479.*

Hunters use no discrimination, but shoot every- thing in shape of a seal that comes near the boat. *Joshua Stickland, p. 350.*

Second. The sexes can not be distinguished in the water, except old males, and both sexes and all sizes are killed indiscriminately. *Z. L. Tanner, p. 374*

All seals are killed that come near the boat, regardless of their sex. I never look to see whether I have killed a male or female seal until I have the seal dead in the boat. *M. Thlkahdaynahkee, p. 269.*

Hunters use no discrimination in killing seal, but kill everything that comes near the boat, regardless of sex. *W. Thomas, p. 485.*

The sex of the seal can not be told in the water when hunting. We use no discrimination, but kill everything in the shape of a seal that comes near the boat. *Charlie Tlaksatan, p. 270.*

Jno. C. Tolman, p. 222. Hunters use no discrimination in taking seal, but kill everything that pokes its head out of water near the boat.

The sex of the seal can not be told in the water. Hunters use no discrimination and everything in the shape of a seal that comes near the boat is killed.

I have observed and learned that crews of vessels engaged in sealing kill all kinds without regard to age, sex, or condition. I have seen among the skins, taken from vessels we have seized, bull skins which I was told by experts were comparatively worthless, others so small as to be classed as pup skins.

Sex of seal can not be distinguished in the water, except in the case of an old bull, which can be told by its size. No discrimination is used in taking seal; everything that comes near the boat is shot at.

Geo. Usher, p. 291. I always shoot everything that comes near the boat, regardless of sex. We use no discrimination.

Sex of seal can not be distinguished in the water. No discrimination is used in seal hunting; all are killed that come near.

Rudolph Walton, p. 272. The sex of seal of same age can not be distinguished in the water. The only seal that can be distinguished is an old bull. *Charlie Wank, p. 273.* We use no discrimination in seal hunting; everything is killed that comes near the boat. Pelagic hunters have become so plentiful and seals have become so wild that we are obliged to take long shots at them.

The sex of a seal cannot be told in the water except it is an old bull. *P. S. Wittenhiller, p. 274.* Hunters use no discrimination, but kill everything that comes near the boat.

Our purpose and practice was to take all the seals we could get, regardless of their age or sex, without any discrimination whatever.

Michael White, p. 490. Can not tell the difference between a male and a female in the water. Kill everything that comes near the boat, regardless of sex.

Billy Williams, p. 300. Everything in shape of a seal that comes near the boat is shot. I can't tell the difference between a young cow seal.

Fred Wilson, p. 301. The seals are getting wild and hard to catch. There are a great many green hands in the business. We shot at everything that came along. We were getting 50 cents for every skin obtained. Our boats went 30 and 40 miles from the schooner. Sometimes they would leave in the morning at 5 and not return until next day at 4 or 5 in the evening.

The sex of seal can not be told in the water. No discrimination is used in seal hunting; all seal are killed that come near the boat. The only seal that can be distinguished in the water is an old bull.

Michael Wooskoot, p. 274.

I can not distinguish the sex of a seal in the water, but kill every seal that comes near the canoe, if possible.

Billy Yellachy, p. 302.

I can not tell the sex of a seal in the water, and use no discrimination, but kill everything that comes near my canoe in shape of a seal.

Hastings Yetknow, p. 302.

We use no discrimination in killing seal, but shoot everything that comes near the boat.

Alf. Yohansen p. 369.

What seals we have seen this year are very wild and hard to get at. The cause of their being wild is the indiscriminate shooting of them in the water.

I use no discrimination and kill everything that comes near the boat in shape of a seal.

Paul Young, p. 292.

I can not tell the difference between a male and female in the water. Use no discrimination, but shoot everything that comes near the boat.

Walker Young, p. 303.

We fired at all the seals we could, regardless of their sex. We got one out of every six or seven we shot at or killed.

Geo. Zammett, p. 507.

ATTITUDE OF SEALS WHEN AIMED AT.

The seals are shot under any conditions in which they may be found, provided they are in range.

A. B. Alexander, p. 355.

Q. Are the seals you shoot at mostly asleep on the water or awake; and, if awake, do you shoot at them while breaching?—A. Mostly they are asleep, especially while they have their pups; but there is a good deal of shooting done while they are awake and breaching, but with less chance of getting them, to be sure.

Geo. Ball, p. 482.

We always tried to slip up on them and shoot them while they were asleep.

Bernhardt Bleidner, p. 315.

Q. Are the seals you shoot at mostly asleep on the water or awake?—A. Asleep.

Q. If awake, do you shoot at them while breaching?—A. We shoot any we can get.

Q. Are the seals you shoot at mostly asleep on the water or awake?—A. Mostly asleep.

Q. Do you shoot at them while breaching?—A. Yes, sir.

Luther T. Franklin, p. 425.

Q. Are the seals you shoot at mostly asleep on the water or awake; and if awake, do you shoot at them while breaching?—A. Yes; we shoot at them while they are breaching, but if we get a shot while they are asleep we shoot them.
Edward W. Funcke, p. 428.

Thos. Gibson, p. 432. We used rifles and shotguns, and shot them when feeding or asleep on the water.

We seek to shoot the seals while they are asleep on the water, because *Arthur Griffin, p. 326.* a seal shot while breaching is more likely to be lost.

Q. Are the seals shot at asleep on the water or awake?—A. Both.
Chas. G. Hagman, p. 435. Q. Do you ever shoot at a seal when awake or breaching?—A. Yes.

H. Harman, p. 442. Q. Are the seals shot at asleep on the water or awake, usually?—A. Most asleep.

Q. Are the seals you shoot at mostly asleep on the water or awake; and if awake, do you shoot at them while breaching?—A. We take the sleepers first, and we also shoot at them while breaching.
W'm. Henson, p. 484.

Q. Are the seals you shoot at mostly asleep on the water or awake? Do you shoot at them while breaching?—A. About 447. 50 per cent of them are asleep, that is, according to what are shot at, and we also shoot at them while breaching.
Andrew J. Hoffman, p. 447.

Q. Are the seals shot at asleep on the water or awake generally?—
Gustave Isaacson, p. 439. A. Mostly asleep. Very often they are shot at while traveling, breaching.

Frank Johnson, p. 441. Q. Are the seals shot at asleep on the water or awake, usually?—A. Principally asleep.

Jas. Kiernan, p. 450. Many are shot while asleep; some while breaching, but such are more difficult to kill.

Chas. Lutjens, p. 459. Q. Are the seals you shoot at mostly asleep on the water or awake?—A. Asleep.

Q. Do you shoot at them while breaching?—A. We shoot at them anyway we find them.

Q. Are the seals shot at asleep on the water or awake?—A. With me they are principally asleep on the water. Of *Alex. McLean, p. 438.* late years they shoot them a great deal when they are awake.

Q. Do you shoot at seals when they are awake or breaching?—A. Yes, sir; when they come within range.
Alex. McLean, p. 437.

Q. Are the seals shot at asleep on the water or awake, usually?—**A.** Most asleep. *Daniel McLean, p. 444.*

Mostly all the seals we shot at were sleepers. *Patrick Maroney, p. 484.*

Q. Are the seals you shoot at mostly asleep on the water or awake?—**A.** They are mostly asleep. *Frank Moreau, p. 468.*

We try to kill these seal while sleeping on the water, but also shoot at them when they are breaching. *Edwin P. Porter, p. 347.*

Q. Are the seals you shoot at mostly asleep on the water or awake, and if awake, do you shoot at them while breaching?—**A.** Yes, sir; if they are breaching I generally shoot at them, but if they are sleeping I 481. *Gustave Sundvall, p. generally take them at first while asleep, of course.*

The hunter tries to shoot the seals in the head or through the heart. *John A. Swain, p. 351.*

The most of the seals that we killed were asleep on the water. *Adolph N. Thompson, p. 486.*

Hunters always shoot a seal in the head when they can do so. If we can't shoot them in the head we shoot them in the chest if possible. *Alf. Yohansen, p. 369.*

PERCENTAGE LOST.—GENERAL STATEMENTS.

We had a row on board because some of the hunters were green hands and the men would not go out in the boats with them. They took the hunters out of our boats and put them into the other boats that made no catch, and then we kicked that they should put the green hunters into our boats, because everything they would shoot would sink on them and were lost. *Chas. Adair, p. 400.*

The destructiveness to seal life by pelagic hunting is very great. The majority of seals killed are pregnant females, so that two lives are often sacrificed in securing one skin. This is true whether firearms or spears are used. In addition to this, the number of skins marketed does not represent the number actually destroyed, for many are killed that are not secured, while others, though fatally wounded, still possess strength enough to escape their pursuers. *A. B. Alexander, p. 356.*

Of those killed, the number saved varies with the skill of the hunters. Last year we lost very few. *Chas. Avery, p. 218.*

A very few are lost when shot with the shotgun, as we shoot them close to the boat. *Johnny Baronovitch, p. 276.*

In hunting with the spear we don't lose many that we hit. I never hunted with guns. *Peter Brown, p. 377.*

Chas. Campbell, p. 256. Experienced hunters lose very few seal that are shot, but beginners lose a great number.

The Indian hunters, when they used spears, saved nearly every one they struck. It is my observation and experience that an Indian, or a white hunter, unless very expert, will kill and destroy many times more than he will save, if he uses firearms. It is our object to take them when asleep on the water, and any attempt to capture a breaching seal generally ends in failure.

As to the percentage of seals lost in pelagic sealing where the use of firearms is employed, I am not able to state of my own observation, but from conversations with those engaged in the business I am of the opinion that the number secured is small compared with those lost in attempts to secure them.

None were lost when the spear was used. When the shotgun is used sometimes they are lost. A few more are lost when rifle is used.

Were I engaged at present in sealing I should prefer the spear to the rifle or shotgun, and I believe its use is not near so destructive to seal life.

Geo. Diskow, p. 323. Old hunters lose but very few seal, but beginners lose a great many.

The Indians have always hunted seal with a shotgun, and I am sorry to say that they have killed a great many more than they secured.

Ellabush, p. 385. In hunting with the spear I get almost all the seals that I hit.

From the ammunition we furnished them I learned that some of the hunters on an average used from two to three rounds of shot to a seal, while others used from forty to fifty rounds.

Chief Frank, p. 280. Have always used the shotgun for killing seal, and but very few are lost.

Chad. George, p. 365. Have always used spear for taking seal, and but very few are lost.

I have heard the hunters say that they lost more seals than they got. I also heard them say if they got all the seals they shot at they would have been home three months ahead of time, with a great deal larger catch.

A very large number of shots are thrown away. In the case of the *Thistle*, in her voyage of 1891, she brought in but *E. M. Greenleaf, p. 325.* 9 skins, while her hunters had fired away 260 pounds of shot. She had poor hunters.

That in pelagic sealing twice as many seals are lost as are captured. *W. P. Griffith, p. 260.*

In the Bering Sea we killed both male and female, but I do not know the proportion of one to the other. *Jas. Harrison, p. 326.*

Always shoot the seal close to the boat and rarely lose one, but when shot at with the rifle I lose a good many. *Hooniah Dick, p. 258.*

I have always used spears in hunting seals, and seldom wounded or hit one that I did not get, until in 1891, which year, and the only one, I went to Bering Sea and used the shotgun part of the time. I found in the use of the shotgun that a great many of the seals that were killed or wounded were lost. *Alford Irving, p. 386.*

Quite a number of seals are lost; I don't know how many. *Jack Johnson, p. 282.*

We lose but very few seals that we hit with a spear. *Selwish Johnson, p. 388.*

At the village of Hesquiat I met Father Brabant, a Belgian priest, who had lived for twenty seven years among the Indians of the west coast. Through him I obtained the Indian view of the present condition of the Alaskan seal herd. I found that by the use of the spear very few seals were lost, and that the Indians of Vancouver had at one time a law among themselves prohibiting the use of guns in taking seals. *Francis R. King-Hall, p. 332.*

When seal were struck with a spear none were lost; a great many are lost when the shotgun is used. *C. Klananeek, p. 263.*

I have often heard them say that they only get two or three out of a school, and when they kill them, if they do not get them right away, they will sink and are lost. Further, that they lose a good many that they kill. *Jas Laflin, p. 451.*

The total catch on being analyzed shows a favorable comparison between the experienced and inexperienced hunters, when the class of boats and arms are taken into consideration, and the extraordinary numbers reported as wounded and lost, dispels any faith in the oft-repeated assertion that *only one in ten* escape from "the unerring rifle in the hands of the experienced hunter." The number, two-thirds of the catch, captured by the Indians, gives the verdict entirely in favor of the primitive weapon of the aborigines as against the modern breech-loader. *Robert H. McManus, p. 338.*

Q. Do you generally shoot seals with a rifle or shotgun?—A. A shotgun. Ninety per cent are killed with a shotgun. *Frank Moreau, p. 469.*

Matthew Morris, p. 286. Always use the shotgun for taking seals. I lose very few, as I always shoot them close to the boat.

Moses, p. 310. The white men shot a great many seals that they did not get, but the Indians secured nearly all that they speared.

I can not say how many seals are killed and wounded, but there is no doubt that green hunters lose many, while those *Morris Moss, p. 342.* more experienced in the business lose fewer.

We used the spear more than the gun and secured nearly all of them that we hit with it, but lost a great many seals *Ostly, p. 391.* that we shot. We prefer to use the spear because in so doing we do not lose so many or frighten them away.

Adolphus Sayers, p. 473. The shotgun is not as fatal as the rifle, but it ruins the skins of the seals.

Breech-loading firearms (rifles and shotguns) are the instruments principally employed by pelagic fur-seal hunters, *John W. Smith, p. 233.* both native and white. By means of these weapons a greater number of skins are secured in a season than when spears are used; but the proportion of seals struck and lost to those actually secured is much less than when the spear is used.

The best hunter will fire about twenty cartridges, and they get ten or twelve seals, while a hunter of less experience *Adolph W. Thompson, p. 486.* will fire one hundred rounds and get nothing, but will wound and disable them.

Charlie Wank, p. 273. When the spear was used no seal were lost. Now a great many are lost when shot with a shotgun and rifle.

Charley White, p. 395. I have always used spears in hunting the seals, and very seldom lose one I hit.

The investigation further disclosed the fact that of the large number of seals killed by pelagic hunters only a portion of *W. H. Williams, p. 93.* them are secured, and while all admitted that some were lost they differed very considerably as to the number. In one instance a hunter claimed that he secured nearly all that he killed, and in another instance it was said that only one out of fifteen was secured. A great majority of the hunters when closely questioned admitted the losing of a large proportion shot at, and I am of the opinion that the wide difference in their statement was due to two facts: First, some hunters are more skillful than others; and, second, some base their estimate on what they know to have been actually killed, while others estimate from the number shot at.

In attempting to determine the sex of seals killed in the Bering Sea and the North Pacific, and of the number of seals killed in excess of those actually secured by the hunters, I had interviews with upward of 50 seal hunters, aside from interviews subsequently had with Indian hunters. I found this portion of my work by far the most difficult. Much discussion had already been had about the damaging effect of pelagic sealing, and the hunters were loath to tell how many seals were killed and not recovered, and were often averse to making truthful reports about the sex of the animals killed; but by frequenting their haunts and cultivating their company for long periods I succeeded in getting accurate statements from a number of them.

I found that at first the hunters were disposed to brag of their skill and to overestimate their success in securing skins of seals shot at. The reason for that was that an impression prevailed among many of them that I was about to engage in sealing enterprises, and that I was making inquiries for the purpose of ascertaining their skill as hunters, with the view to engaging them.

The practice in British Columbia is to pay the best hunters the highest rate per skin. Men who could shoot fairly well, but who use a shotgun, could be secured for a sealing voyage from \$1 to \$1.50 per skin, while hunters who shot with the rifle and were of recognized skill in some instances were paid as high as \$2.50 per skin, and generally speaking as high as \$2 per skin. The reason for this is obvious to those who have interested themselves in the sealing business. A seal killed with buckshot is so much punctured frequently that the pelt is of lesser value. It is not profitable for schooners to engage as hunters men who miss their chances of killing the seals and blaze away indiscriminately with small results. Even though the hunter is only paid for the skin he recovers, the loss to the vessel by his failure to kill when an opportunity offers is equivalent to the profit it would have made on the skin if secured. For these reasons and on account of the general proneness of men, who consider themselves experts in the use of any weapon, to brag, the seal hunters of British Columbia, as a class, grossly exaggerate the percentage of skins they recover to the number of seals aimed at, wounded, or killed.

In attempting to ascertain exactly the number of seals killed and lost by the Bering Sea hunters, I found a wide divergence of statement.

Theo. T. Williams, p.

503.

It is greatly to the advantage of the seal hunter to have the reputation of losing but few seals. He is paid by the skin, and the more he catches the greater his remuneration; but that is not all. The hunter with the best reputation as a sure catcher is in the greatest demand, can secure employment in the best schooner, and the largest sum of advance money. Besides self-interest, there comes vanity to urge the hunter to make the biggest reputation possible for himself.

To use a common expression, the seal hunters all brag about their sureness of aim. The best shots use a rifle, and fire at a range of from 50 to 125 yards. The poorer shots depend on a shotgun loaded with buckshot, and will fire at a seal up to 50 yards away.

The Indian hunters use spears, and paddle noiselessly up to the sleeping seal to plunge the spear in its shoulder. They never attempt to spear a seal that is awake. An Indian hunter will paddle in among a

lot of "sleepers" and spear them, one after the other, while a white hunter who uses firearms alarms every seal in the neighborhood at the first discharge.

The Indians lose about one-third of all they spear, either from failure to kill when they strike or because the dead seal sinks too quickly for them to secure it.

The white hunters do not get one-half of all they shoot. Some hunters are very careful shots and will not fire unless the seal is well within range, but the seal is likely to sink before the boat can get to it, or, if wounded, will dive like a flash to get away. A number of hunters have boasted that they secure ninety-five seals for one hundred shots, and some have made affidavits of even more wonderful exploits. They presume too much on public ignorance and credulity.

Fortunately, it is not necessary to depend on the statements of the seal hunters. I secured access to the ship *T. T. Williams*, p. 504. counts of several sealers, and found that in every case the consumption of ammunition showed more than ten cartridges used for every seal-skin captured.

I spent considerable time among the Siwash Indian sealers, and, while they brag of their individual prowess, they admitted a loss of 30 per cent at least. On this subject I append a statement made by Captain Olsen, of the sealing bark *Bessie Ruter*, of Victoria:

Captain Olsen, of the American schooner *Bessie Ruter*, of Astoria, reached Victoria September 27, 1889. In the office of the American consul, Col. R. Stevens, he said: "I took 550 skins in the Bering. Of these 27 were pups, 520 females, and 3 male seals, which I killed off the island of Kodiak. Most of the female seals were with young. I had a green crew and green hunters. They used shotguns and sometimes the rifle. They got about 1 seal for every 3 they aimed at. Some they missed altogether, and some of the wounded ones got away. There is great risk of losing a traveling seal. The sleeping seal blow up an air-bladder that keeps them from sinking, but the seal when awake sink easily. Hooks are used to grapple them, but if the boat is some distance from the seal when it is killed it does not often get it. For that reason rifle shooting at long range hardly pays. I will get about \$7.75 for some of my skins and \$8 for others. My voyage will pay, because I ran the boat on the cheap. I only had two men to the boat, and only paid my hunters \$1 a skin, instead of \$2, which is paid to first-class hunters. Some very skillful hunters do not lose many skins. They will never fire unless a seal is at close range, and they generally kill. Of course, they lose some from sinking. All the hunters brag about how few they lose, because they want the reputation of being good hunters. The better reputation they have the better chance they get."

"If the Bering Sea was open many new men would come into the business, and the loss would be greater. Only a few men make successful hunters. It is like being a clever rifle shot. If the best hunters lose ten or fifteen in a hundred the other kind lose ten times as many, if not more. Green hands will throw away a lot of ammunition, shooting at everything they see, whether it is in range or not. You can not stop them. They will wound more than they kill."

PERCENTAGE LOST OF SEALS KILLED.

Page 195 of the Case.

From my experience I am satisfied that 33½ per cent shot with a shotgun are lost, and when a rifle is used a larger per cent are lost when killed. *Peter Anderson, p. 313.*

We lost fully three out of four that we killed. *H. Andricius, p. 314.*

On an average, we saved one out of three that were killed. *Bernhardt Bleidner, p. 315.*

It is my honest belief that for every fur-seal skin obtained by pelagic sealers, at least five other seals' lives are taken. *J. A. Bradley, p. 227.*

During the trip of 1891 I don't think we got more than one seal out of six that we killed; many were wounded, and others were shot dead and sank before the boat could get to them. *Thos. Brown (No. 1), p. 319.*

I think on an average I got one out of every three killed, but some of my hunters did not do as well. It is difficult to get more than one breaching seal out of six killed. It is the custom for hunters to brag about how many seals they get out of the number killed, and in trying to outdo each other they generally exaggerate the facts. *Jas. L. Cartlout, p. 409.*

No seal was lost when struck with spear. Fifty per cent are lost when killed with shotgun, and a larger proportion are lost when the rifle is used. *Simeon Chin-koo-tin, p. 256.*

Native hunters secure about one-third of all fur-seals killed at sea, while in my belief white hunters secure even a less number in proportion to those killed. *M. Cohen, p. 225.*

An average hunter will get one out of four of breaching seals, and one out of three of sleepers that he kills, but a common hunter will not get so many. *Peter Colline, p. 413.*

And that a vast number of the seals killed by them are lost. *Leander Cox, p. 417.*

It is my experience that very few, if any, seals were lost by the hunters who use the spear, but fully 75 per cent of all those killed by the rifle were lost. *Jas. Dalgarduo, p. 364.*

Our hunters used shotguns, and were good hunters. They lost a good many seals, but I do not know what proportion was lost to those killed. Some of the hunters would lose four out of every six killed. *Alfred Dardean, p. 322.*

From my observation of the methods employed by the open-sea hunters I believe that a very large proportion of those killed by them are lost. I have often heard seafarers so express themselves. They have said to me that they get only about one out of five shot or killed; others made the loss still greater. I think the latter statement more nearly correct.

F. F. Feeny, p. 220. Of seals killed, about four out of five are saved.

Q. What percentage of seals are taken, compared to those you destroy in doing so? How many do you get of those you shoot?—*A. That depends upon the hunter.*
Luther T. Franklin, p. 425. The general average is, about thirty-five to forty are taken out of one hundred that are killed.

Q. Is it not a fact that when you first started in the business and was inexperienced in hunting, that you, like all other beginners, destroyed a much larger proportion than you now do?—*A. Yes, sir.*

An experienced hunter like myself will get two out of three that he kills, but an ordinary hunter would not get more than one out of every three or four that he kills.
Thos. Gibson, p. 432.

I lose about 50 per cent when I use the shotgun, and more are lost when rifle is used. I always shoot them in the head when possible, but if not possible I shoot them in any part of the body that is exposed.
Gonastut, p. 238.

Jas. Gondowen, p. 259. About 50 per cent are lost when killed with a shotgun, and a larger per cent when rifle is used.

A good hunter will often lose one-third of the seals he kills. A poor hunter will lose two-thirds of those he shoots. On
Arthur Griffin, p. 328. *an average, hunters will lose two seals out of three of those they shoot.*

Jos. Grymes, p. 434. The hunters would get, on an average, one out of every four they killed.

On an average, I think the hunters will save about one out of three that they kill, but they wound many more that escape and die afterwards.
Jas. Harrison, p. 326.

Formerly the seals were gentle and the approach of a vessel did not even alarm them, but when firearms came into use
M. A. Healy, p. 28. *it so frightened them that they had to be shot at long range, entailing a loss of not less than three out of every four or five killed.*

I think I got half of what I killed and wounded. I do not think that
Jas. Kean, p. 448. *the green hunters get more than one out of every four or five that they kill.*

My experience convinces me that a large percentage of the seals now killed by shooting with rifles and shotguns are lost. My estimate would be that two out of every three killed are lost. Formerly the killing was done by spearing, and
Jas. Kiernan, p. 450.

In later years it was learned that shooting them was a swifter method of killing. At the start the hunters were inexperienced and a large proportion were lost.

I use the shotgun for taking seal, and sometimes I lose one or two out of ten that I kill.

Jas. Klonacket, p. 283.

Breech-loading firearms were used exclusively. A hunter was a catch of 80 per cent of all fur-seals killed

My own success as
E. L. Lawson, p. 221.

I have made it my business to find out what proportion of skins of seals killed are really brought into the market, and from the information which I obtained from the sealers, hunters, and those owning the skins, I learned that on an average only about one out of six killed was secured, varying with the expertness of the hunter.

Geo. Liebes, p. 511.

That by reason of his long acquaintance with the business and his conversations with the captains of the vessels called poachers, and the hunters employed on those vessels—that is, the persons who actually shoot the seals—deponent is satisfied that a large number of the seals which are shot are not caught, but are lost, and that the number so killed and lost is at least 25 to 30 per cent.

The number of seals actually secured to the number killed does not exceed about one in four, or about one is taken for every three destroyed, varying, of course, with the skill and experience of the hunters.

Isaac Liebes, p. 453.

From these conversations I should judge they did not secure more than one-half of the seals killed; and this, I think, is a large estimate of the number secured.

A. P. Loud, p. 39.

I have frequently noticed in the harbor of Petropaulovsky that the natives, in killing hair-seals, are only able to obtain one animal out of every four or five of those killed, and that they frequently wait about four days for the bodies to be washed ashore.

It takes anywhere from one to twenty shots, on the average, to secure a seal, and I think we got about three out of five that we killed; but we may not have got as many, for poor hunters wouldn't get more than one out of five.

None I lost when I used spear. About 20 per cent are lost when killed with shotgun.

Nashon, p. 298.

An experienced A No. 1 seal hunter, in shooting sleeping seals with a shotgun, will get a large proportion of what he kills, and will get one out of four breeching seals that he kills, but an ordinary, common hunter, like myself, will sometimes use ten cartridges and not get one seal. I can safely say that a common hunter will only get one seal out of three.

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The white hunters who used guns in the Bering Sea were banging away at the seals sometimes all day long, and they would lose a great many of those that they had shot. I do not think that they brought to the schooner one-half of those that they killed, to say nothing of those that they wounded and got away.

But since it has become the practice to hunt seals with guns a good many are killed, wounded, and lost. Green hunters bang away and wound more than they kill and will shoot six or seven before they get one, and sometimes more. Good hunters will do much better. I used to get most of the seals I killed, but I have killed five dead in succession and lost the whole of them.

Our best hunters would secure half of the seals shot, but the poorest ones would not get more than one out of twenty, *Chas. Peterson, p. 345.* the average being one secured out of five killed.

An ordinary hunter will lose about four out of every six he kills. Some do not do near as well, while others do better. *Edwin P. Porter, p. 347.* The percentage of loss to those killed is less on the coast than it is in the Bering Sea, for the seals are more fat and do not sink as quick, but a great many are wounded and lost. The Indians, when they use the spears, lose but very few. They get up close to the sleeper and scarcely ever miss getting it.

Abel Ryan, p. 299. Shotgun is exclusively used by me for taking seals. Lose about 20 per cent of those killed with shotgun.

The captain, mate, and myself went out several times with the stern boat, and we killed 15 the first time we went out. *Peter Simes, p. 476.* I think we went out that way three or four times, and we usually got about one out of four killed. I recollect one day when we were hunting, bad weather set up, and we did not get any seals. In good weather we got more seals than we did in bad weather.

Geo. Skultka, p. 290. I lose pretty near half of the seal that I kill [with the shotgun].

E. W. Soron, p. 479. And we only got about one out of five killed.

Cyrus Stephens, p. 479. [An ordinary hunter will not get] more than one out of two that he kills, and sometimes not that.

John A. Swain, p. 350. Our hunters used shotguns and lost a great many; I think we would save two out of five that we killed.

First. Pelagic sealing is wasteful, as a large percentage of seals killed are lost. Opinions on that point varying *Z. L. Tanner, p. 374.* from 30 to 70 per cent.

On my first voyage I think we got two out of every five that we killed. *Adolph W. Thompson, p. 486.*

When seal were struck with a spear none were lost; lose about 50 per cent when killed with shotgun. *Charlie Tlakestan, p. 270.*

I had in my employ men who are old seal-hunters, and who were formerly engaged in that business, and they have often told me that they lost at least two out of every three they killed. *M. L. Washburn, p. 489.*

Deponent is of the opinion that in addition to the seals actually caught a very large number are killed and not caught; and he bases this opinion upon the declaration to him of large numbers of persons engaged in pelagic sealing. He is not able to state accurately what that proportion is, but considers that two-fifths would be a very conservative estimate; that is, of the total number killed three-fifths are secured and two-fifths lost. *C. A. Williams, p. 538.*

I have heard men say that they killed and recovered 90 per cent of all the seals they fired at, but on examination of the accounts of the schooners on which they had been employed previous voyages, I discovered that more than ten rounds of ammunition had been used for every skin that the vessel brought home. *Theo. T. Williams, p. 493.*

A green hunter would get one out of every five or six that he shot or killed, and an experienced hunter might kill three or four and get one. *John Woodruff, p. 506.*

PERCENTAGE LOST OF SEALS STRUCK.

The skill of the hunter has a great deal to do with the number of seals secured of those killed or wounded, but the most expert does not get more than half he hits, and the average for hunters in general would be about three in ten. *C. A. Abbey, p. 187.*

We secured one out of about every five that we shot at or killed. *Chas. Adair, p. 400.*

An experienced hunter would get one out of every three that he shot or killed, and a green hunter would get about one out of every seven or eight that he shot or killed. *Chas. Adair, p. 401.*

It has been my custom in the last few years to examine the logs of sealing vessels and to converse with officers and hunters of such vessels in order to obtain what information I could as to the methods employed by hunters, and the loss of seals occasioned in such pursuit. From the logs I learned that in many instances one hundred rounds of ammunition had been fired to each skin secured, and often more; and on an average I found that not over five seals to the hundred shots had been

obtained. The logs further showed that a large number had been wounded and lost.

I also ascertained from the logs, and from conversation with masters of sailing schooners, that not one seal out of ten killed or wounded had been caught. These inquiries I pursued at San Francisco until quite recently.

The chief killing by poachers was done between the passes of Aleutian Archipelago and the Pribilof Islands.

When spear was used I lost none, and I lose no seal when I use the shotgun, for I don't shoot them unless they are close to the boat.

Have always used a shotgun and rifle in taking seal since a young man. I rarely lose any seal I shoot, as I never shoot at them unless they are very close to the boat.

Q. What percentage of seals are taken compared to those you destroy in doing so; in other words, how many do you actually get out of those you shoot?—A. If we get three seals out of every five we consider it doing very good work, and so I believe do all hunters, even the best of the hunters.

Q. Is it not a fact that when you first started in the business and was inexperienced in hunting that you, like all other beginners, destroyed a much larger proportion than you do now?—A. Undoubtedly we did destroy a much larger proportion than we do now.

Maurice Bates, p. 277. Have always used a shotgun for taking seal, and lose about 40 per cent of what I shoot.

Wilton C. Bennett, p. 356. No seal were lost when struck with spear. About 40 per cent of seal shot with shotgun are lost, and more when the rifle is used.

Edw'd Benson, p. 277. I use the shotgun for taking seal. I lose about 25 per cent of the seals shot.

The spear and shotgun have been used by me. But few seal are lost that are struck with spear. About 66 per cent Martin Benson, p. 405. are lost when shot with shotgun, and a larger proportion are lost when rifle is used.

On the Pioneer we had a couple of good hunters who would get almost all they shot at, while some of our hunters Neils Bonde, p. 316. would lose a good many that they would kill and wound. A green hunter will not get more than one out of five, and I have known one hunter on our vessel who shot eighty shots and got only four seals. Indian hunters that use spears seldom lose any that are struck, and there is no wounded to go away and die.

Henry Brown, p. 318. In 1890 our hunter in the stern boat secured 60 seals, and lost over 200 seals that he wounded.

This year the seals are wilder than the year before; I think it was because they were hunted so much. We did not capture as many in proportion to the number shot as we did the year previous, and did not save more than one out of six that we shot. *Thos. Brown (No. 1), p. 319.*

We got on an average three or five out of every twelve killed and wounded. It depends a great deal upon the weather. There were lots of seals in the water at that time. *Thos. Brown (No. 2), p. 407.*

I have boarded a large number of vessels fitted out as sealers and engaged in sealing, and have conversed with their masters and crews on the subject of pelagic sealing. From information gathered from these and other sources, and by comparison of testimony given by the seal-hunters, would say that at least 66 per cent of seals killed or wounded escape and are never recovered. *John C. Cantwell, p. 407.*

The average hunter would get one out of every three that he shot; a poor hunter not nearly so many. There are twenty-one buckshot to a shell. * * * When they are in school sleeping we get a good many. We did not get as many we shot at in the Bering Sea as we did on the coast. If we got one out of every three that we wounded in the Bering Sea we were doing pretty well.

I used a shotgun almost exclusively last season, and lost about one-third of all fur-seals shot. *Julius Christiansen, p. 219.*

I think about 50 per cent of the seals shot with shotgun are lost, and greater proportion are lost when shot with a rifle. *Peter Church, p. 257.*

In hunting with guns I usually get about two out of five that I shoot; sometimes I would wound one and it would get away and it probably would die. *Jas. Claplanhoo, p. 382.*

I always use the shotgun for taking seal. I think about 25 per cent are lost. *Wm. Clark, p. 293.*

Q. Is it not a fact that you destroy a large percentage of seals that you do not catch?—A. Yes, sir.

Q. What is that percentage?—A. We catch about seven seals out of ten.

Q. What percentage of seals are taken compared to those you destroy in doing so; in other words, how many do you actually get out of those you shoot?—A. We get about 75 per cent of what we shoot.

Q. Is it not a fact that when you first started in the business and was inexperienced in hunting, that you, like all other beginners, destroyed a much larger proportion than you now do?—A. It is; yes, sir.

Over 50 per cent are lost when shot with shotgun. *Jno. C. Clement, p. 258.*

My observation of the seal-hunting by white hunters in 1888 is that they do not secure more than two or three out of every one hundred shot. The number of shots fired by a hunter in an ordinary day's sealing is *Louis Culler, p. 321.*

something enormous, and the waste of seal life in the water is dreadful to contemplate. * * *

The proportion of loss of seals shot by white hunters in the *Otto* was quite as great in 1891 as by the hunters in the year before stated. I have never seen any black pups in the North Pacific Ocean.

The Indian hunters secure at least eight out of every ten of the seals that they spear. They do not make as much noise, nor frighten the seals as badly as hunters who use guns.
Louis Culler, p. 322.

When it was rough weather, we got one out of six that we killed or wounded, and in smooth weather we could get on an average one out of three and sometimes three out of five.
John Dalton, p. 418.

Joseph Dennis, p. 418. We hunted mostly with shotguns, and captured about one-half that we killed and wounded.

John Dohrn, p. 259. And that twice as many seals are lost as are captured.

On an average all the hunters will get one out of every three or four seals that they killed or wounded. There were plenty of seals in the water at that time.
Richard Dolan, p. 419.

Geo. Fairchild, p. 423. We got one out of every five or six that we killed or wounded. We wounded a great many that we did not get.

When I was a young man the Indians used the spear for taking seal; now they have learned from the white man to use the shotgun. About three out of ten are lost that are shot.
Frank, p. 294.

Luke Frank, p. 294. Have always used the shotgun for taking seal. I lose about two out of ten that I shoot.

The hunters used rifles and shotguns. They got about one out of every six they shot at or killed, and sometimes they got none. The greater majority of them were females. We used rifles; we had experienced hunters on board and we got one out of every three killed or wounded.
Wm. Fraser, p. 427.

Q. What percentage of seals are taken compared to those you destroy in doing so? In other words, how many do you actually get of those you shoot?—A. About 428. 30 per cent.
Edward W. Funcke, p.

Q. Is it not a fact that when you first started in the business and was inexperienced in hunting that you, like all other beginners, destroyed a much larger proportion than you now do?—A. Yes, a little more in proportion.

Chas. Gibson, p. 281. Have always used the shotgun for taking seal. I lose about 33 $\frac{1}{3}$ per cent of what I shoot.

Indians lose a less number of the seals shot at and wounded or killed than white hunters. When they use spears they get nearly all they wound. When they use shot-guns they do not get more than one out of eight killed or wounded. In conversation with boat-steerers and boat-pullers I have frequently heard them state that hunters would sometimes fire from 75 to 100 shots without bringing in a single seal. The hunters would claim they secured nearly all they fired at or killed, but it is known that this is not true. It is impossible to say what proportion of the seals fired at are killed or wounded, but taking the run of hunters, good and poor, I should say that the best get about 50 per cent of those shot at, while the poorest do not get more than one out of fifteen fired at.

About 75 per cent are lost when shotgun is used. Have never seen but three seal killed by rifle secured. If you shoot a seal in the throat it is hard to secure him, although each boat carries a long gaff to hook them out of the water.

The native hunters used spears exclusively in hunting the seals, and secured fully two-thirds of all struck. I am of the opinion that with firearms not more than one-third of the animals shot are actually secured.

Have always used a shotgun for taking seal, and lose about 25 per cent of the seals I shoot.

I use the shotgun exclusively for taking seal. About 65 per cent of the seal hit are lost.

Q. According to your experience, what percentage of animals that are shot are actually taken by the boats?—A. That depends a good deal on the man that shoots them. Some fellows will miss four out of five and another may miss three out of five and cripple them. I think on a general average we will get about three out of five.

Q. What percentage of seals are taken compared with those you destroy in doing so; in other words, how many do you actually get out of those you shoot?—A. We get about two thirds of those we shoot.

Q. Is it not a fact that when you first started in the business and was inexperienced in hunting, that you, like all other beginners, destroyed a much larger portion than you now do?—A. Yes, sir.

Many seals are wounded and lost, depending largely on the skill of the hunter. I think I get pretty nearly all that I kill, but other hunters have been with me that I know lost a greater portion of those they shot at. Probably a fair average would be, taking all the hunters together, one seal secured to two lost.

Indians using spears recover more than 90 per cent of all fur-seals struck, while the white hunter secures on an average about 60 or 65 per cent of all fur-seals shot in the season. With whites, their greatest

E. M. Greenleaf, p. 324.

Jas. Griffin, p. 433.

A. J. Guild, p. 231.

Henry Haldane, p. 281.

Martin Hannon, p. 445.

H. Harman, p. 442.

Wm. Henson, p. 484.

Wm. Hermann, p. 446.

Norman Hodgson, p. 366.
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losses occur during the earlier part of the season. More fur-seals are lost in proportion which are killed by means of a shotgun than with a rifle.

Q. What percentage of seals are taken compared to those you destroy in doing so; in other words, how many *Andrew J. Hoffman, p. 447.* do you actually get out of those you shoot?—A. We get about 75 per cent of them.

Q. Is it not a fact that when you first started in the business and was inexperienced in hunting, that you, like all other beginners, destroyed a much larger proportion than you now do?—A. Yes, sir; it is.

E. Hofstad, p. 260. I think that 66 per cent of the seals shot with shotguns are lost. When rifles are used, a still larger per cent is lost.

The shotgun was exclusively used by our hunters. I can form no idea as to the amount of seals lost. Some hunters lost more and some less. It ranges all the way from 10 to 75 per cent, according to stories told by hunters.
O. Holm, p. 368.

Alfred Irving, p. 386. We used shotguns, and secured about two seals out of five that we shot.

Q. According to your experience, what percentage of animals that are shot at are actually taken by the boats?—A. *Gustave Isaacson, p. 439.* I think about one-third is lost.

The Indian hunters with spears would not wound or lose but very few seals that they struck, but the ordinary white *Jas. Jamieson, p. 331.* hunter will, on an average lose over half that he kills and wounds.

Q. According to your experience, what percentage of animals that are shot at are taken by the boats?—A. About a third to a quarter, we lose.
Frank Johnson, p. 441.

J. Johnson, p. 331. About 40 per cent shot with shotgun are lost. When the rifle is used, a larger per cent is lost.

Have always used shotgun and rifle for taking seal. I never lose *Johnnie Johntin, p. 282.* any seal when I shoot them, because I always shoot them close to.

The spear and arrow was used to take seal when I was a boy, but now I use the shotgun and rifle. At least 50 per *P. Kaktday, p. 281.* cent are lost when shot with shotgun. When rifle is used a larger portion of seal are lost.

Philip Kashavaroff, p. 262. About three seals are secured out of every ten shots.

King Kaskwa, p. 295. I always use the shotgun for killing seal. I lose about four out of ten that I shoot.

I always use the shotgun for taking seal. Sometimes I lose two and three out of ten that I shoot. *Jim Kasooch, p. 296.*

Fully one-half the seal shot with shotguns are lost, and a much larger proportion when the rifle is used. None were lost when struck with a spear. *Mike Kethusduck, p. 262.*

On an average we got one or two out of every six or seven that we wounded or killed. *Jas. Kennedy, p. 449.*

The white men lose a great many by shooting. The Indians lose fewer in their method by spearing. He thinks white men loose three out of five, on an average. *Kickiana, p. 306.*

Constant shooting has frightened them and made them wild, so that they have to be shot at great distances unless found asleep. Much depends for successful hunting upon the weather, as it is difficult to get accurate aim when both the hunter's boat and the seal are in motion. A poor hunter does not secure more than one out of every five shot or aimed at. Good hunters do better. *Jas. Kiernan, 450.*

The first seal sighted was August 4, longitude $136^{\circ}32'$ west, latitude $52^{\circ}46'$ north.

During the days following August 4 the canoes were lowered, but their search for seals was fruitless. On August 14, before entering Bering Sea, a seal was speared *Francis R. King-Hall, p. 333.* by the Indians off Marmont Island, which was bearing NW. $\frac{1}{4}$ W. 35 miles. We entered the sea at 6:30 p. m. on the 22d day of July [August] and at 9 o'clock the following morning we got our first seal in the Bering. It was shot by one of the white men in a boat. We were at this time about 25 miles west by north of Northwest Cape on Unimak Pass. On the same day 4 other seals were shot, and 3 not recovered. Two sank and the other escaped badly wounded. The following day the captain shot 2, losing 1, and the other boat brought 1 seal on board. On the 25th of August we were 125 miles southeast of St. George Island. The Indian hunters were out all day and brought in 3 seals, the white hunters getting none. The captain informed me that day that the previous year he had taken in this locality 148 seals in one day, and that one of his hunters got 38 and lost 40, which he shot. The next day the two boats and canoes were out, and the captain brought back 1, but had shot and lost 6 others, 1 of which sank. The other boat reported that they shot 7, but all sank before they could get them, the water being so colored with blood that it was impossible to see the bodies sufficiently to recover them with the gaff. The two Indians brought back 10 seals, all speared. Out of the number taken on board 4 were full of milk. On the 27th the Indians brought in 2 seals and the captain 1, which were all they had seen. On the 29th 17 seals were taken; the captain got 3, having lost 4, killed or wounded. The other boat brought in 3, having lost 2, and the cook shot one from the schooner's deck. Out of these, 7 were females, which covered the decks with milk while they were being skinned. * * *

I am convinced that at the very least white hunters lose 50 per cent of the seals they hit, and probably the majority of those wounded will ultimately die.

Robert Kooko, p. 296. When a seal is struck with a spear we never lose him. About 50 per cent are lost when shot with a shotgun.

About 60 per cent of the seal are lost when shot with a shotgun.
Jas. Kowineet, p. 284. When rifles are used a much larger proportion is lost.

About 50 per cent of the seals are lost when shot with shotguns; a much larger per cent are lost when shot with a rifle.
Geo. Lacheek, p. 284.

Of all the fur-seals struck in the entire season by both implements more than two-thirds were actually secured, the greater proportion of losses resulting from the use of the shotgun.
Jas. E. Lennan, p. 389.

On an average a hunter gets one seal out of four. Some hunters do not get that many, because the seals sink out of sight after they are killed before we can get them.
Caleb Lindahl, p. 456. I have known of poor hunters losing nine out of ten.

The average hunter will fire ten times to get one seal. I think on *Wm. H. Long*, p. 458. an average he gets about one seal out of every three killed.

Q. What percentage of seals are taken compared to those you destroy in doing so; in other words, how many do you actually get out of those you shoot?—A. I should say we get about 80 per cent of those we shoot.
Chas. Lutjens, p. 458.

Q. Is it not a fact that when you first started in the business and was inexperienced in hunting, that you, like all other beginners, destroyed a much larger proportion than you now do?—A. There is no doubt about that.

The hunters would get on an average two out of every six that he wounded or killed. Seals were quite plentiful at that time, and there were lots of them destroyed that we did not get.
Thos. Lyons, p. 460.

Geo. McAlpine, p. 266. The shotgun was used exclusively. Over 50 per cent of the seal shot were lost.

J. D. McDonald, p. 286. I think we lose about 66 per cent of the seals shot with shotguns.

Taking the general average, we would not get more than two seal out of every ten that the hunters shot at. Out of every sixty-five seal that was brought aboard the schooner I got one, so I tried to spear as many as I could after they were shot. We caught more seals in the Bering Sea than we did going along the coast, as we found more of them. * * *
Wm. McIsaac, p. 461. All the seals that we shot at in rough weather were lost. In fine weather they sleep on top of the water and we do not lose so many of them.

No seal are lost that are struck with spears. *Jas. McKeen, p 287.*
With a shotgun about 50 per cent are lost.

We got about one out of every five that we killed or wounded. There was any amount of them that we shot and did not get at all. It seemed as if a good many got *Wm. McLaughlin, p. 462.* away. * * *

We had some white hunters and Indian hunters. I do not think that we lost as many that year in proportion to those that we killed as we did in the *Triumph*. We got about one out of every three killed and wounded. They were better hunters.

Q. According to your experience, what percentage of animals that are shot at are actually taken by the boats? You can only estimate it!—A. That is a very hard question for me to give you a proper answer to. I do not think they lose any more than one out of ten.

Q. What percentage of those shot at and are not taken perish?—
A. Outside of that?

Q. Yes.—A. I can not answer that.

Q. According to your experience, what percentage of animals that are shot at are actually taken by the boats?—A. That is according to the amount of ammunition *Daniel McLean, p. 443.* that we use. About one-third are taken.

We had Indian hunters who used shotguns. The Indian hunters are more expert than the white hunters and they do not lose so many seals they kill. I think they would get one out of every two or threes killed or wounded. *Thos. Madden, p. 463.*

About 50 per cent of the seals shot with shotgun are lost. *Edwd. Maitland, p. 284.*

I do not think our hunters got one-half of those they killed or wounded. They would sink before we could get *Jas. Maloy, p. 463.* our boat up to them.

There were six boats on the vessel. Some of the boats would come in without a seal, after being out all day long shooting, but they would wound a great many. On *Patrick Maroney, p. 464.* an average, taking all the boats together, they got one out of every five or six that they killed or shot at. We wounded a great many that we could not get.

About 50 per cent are lost that are shot with *Chas. Martin, p. 297.* the shotgun.

I always use the shotgun for taking seal, and *Fredk. Mason, p. 284.* lose about 25 per cent of what I shoot.

I do not think they would get more than one seal out of every six or seven they shot, and sometimes only one out *Henry Mason, p. 465.* often.

Our hunter was a good one. His name was Joe Williams. I think he got one out of every three on a average. He
Wm. Mason, p. 466. used a rifle a good deal and was a fine shot; some of the hunters in the other boats would shoot at the seal and not get any at all, and come in at night without any, or may be one or two. There was one hunter from Nova Scotia that did not kill any scarcely.

E. Miner, p. 466.
 a shotgun are lost.

I think about 33 per cent of the seals shot with

Amos Mill, p. 285

About 20 per cent of the seals I shoot with shot-

gun are lost.
Q. What percentage of seals are taken, compared to those you destroy in doing so; in other words, how many do
Frank Moreau, p. 468. you actually get out of those you shoot?—A.
 About 75 per cent. We lose about 25 per cent.

Q. Is it not a fact that when you first started in the business, and was inexperienced in hunting, that you, like all other beginners, destroyed a much larger proportion than you do now?—A. Certainly; there is no doubt about that.

From my knowledge of the aquatic habits of the seal and the difficulty of accurate shooting when the object is in the
T. F. Morgan, p. 65. water, I am of the opinion that a large number of seals are also killed by vessels engaged in the business of taking seals in the open seas, which are not caught. I am unable to form any estimate of the number of seals, shot or speared from vessels, which are lost, but in the last two or three years of my residence at St. George Island, in taking 15,000 seals, I found, approximately, 3 pounds of lead, in the form of slugs, bullets, and buckshot, which I personally took from the bodies of male seals, some of which were so badly wounded that they would have died; and I have personally examined the log of the schooner *Angel Dollie*, in which it was stated that the hunters from that vessel got about one seal out of every ten seals shot at; also that on one occasion they fired 250 rounds and got 20 seals; on another occasion 100 cartridges and got 6 seals; and which log also stated that the captain personally shot and killed 7 seals of which he got only one.

Jno. Morris, p. 340.

They lost very few of the seals they speared.
 They secured about all of the seals they speared.

When in Bering Sea I had an opportunity to observe the difference in the number of seals lost by killing them with
Moses, p. 310. shotguns and by taking them with spears. The hunters that used shotguns lost more than one-half they shot, while the hunters that used spears seldom ever lost one that they hit.

Morris Moss, p. 342.

It is generally conceded that the Indian hunters in the use of the spear seldom lose one they kill or wound.

When I was a boy I used a shotgun for taking seal, bought from the Hudson Bay Company at Fort Simpson, and have always used a shotgun for sealing. I think about two out of ten seal shot are lost. *Smith Natch*, p. 298.

Sometimes I lose two and sometimes three seal out of ten I shoot. *Dan Nathlan*, p. 286.

Use the shotgun for taking seal, and lose about 25 per cent of those I shoot. *Jos. Neishkaith*, p. 287.

Have used a Hudson Bay shotgun since I can remember for taking seal. I very rarely lose a seal, because I shoot them close to the boat. *Nikla-ah*, p. 288.

It depends a great deal upon the weather as to the amount of seals obtained by the hunters. After a heavy blow you see the seals lying on top of the water asleep, and you can get very close to them, and on an average you would get 2 or 3 out of every 5 or 6 you kill or wound, while in rough weather you would not get 1 out of 5 or 6 killed or wounded. *John O'Brien*, p. 471.

Not being hunters of experience, our men lost about two-thirds of all the seals shot. Good hunters would not lose to exceed 25 per cent. *Nelson T. Oliver*, p. 372.

We used shotguns, using buckshot, and I have known twenty shots to be fired at a seal before we got her. When we shot at "sleepers" we got a good many more than when we shot at "breachers" or "rollers," and we secured on an average about one out of every three killed and wounded. The percentage of loss of those killed and wounded is fully as great as I have stated. *John Olsen*, p. 471.

When rifle is used less than one seal for five shots is secured; many shots miss, but of those seals hit about one-half are secured. *W. Roberts*, p. 241.

An ordinary hunter, on an average, will not kill one out of four breaching seals, and sometimes he will not get one. The sleeping seal is the most easily killed, and we got about one out of three killed and wounded. *Adolphus Sayers*, p. 473.

It is very hard to estimate the number lost of those shot, but I should judge an expert hunter would lose certainly from 40 to 60 per cent, and a hunter not particularly expert would lose from 80 to 85 per cent. *L. G. Shepard*, p. 188.

In some instances we ran upon schools of seal and shot five or six, all of which would be lost; in other instances we would secure about one-half of those wounded. One-half of all seals shot on the coast are lost. *Wm. Short*, p. 348.

About 25 per cent are lost when shot with a shotgun and more are lost when shot with rifle. Shotgun and rifle are used by me for taking seal. *Juk Shuoky*, p. 289.

When I used a spear none were lost that were struck. When shotgun is used nearly 50 per cent are lost; when rifle is used a still larger percentage is lost.
Martin Singay, p. 268.

No seal were lost when struck with spear or arrow. Fully 50 per cent of seal shot with shotgun are lost and a much larger per cent are lost when shot with a rifle.
Jack Sitska, p. 268.

Always used a Hudson Bay gun to take seal with. A Hudson Bay gun is a single-barreled shotgun. Sometimes I lose one and sometimes two out of ten that I shoot.
Thomas Skowl, p. 300.

We used shotguns on that trip also, once in a while using a rifle for long range. I think the average hunter gets about one or two out of every five or six that he kills or wounds.
Jas. Sloan, p. 477.

Fred. Smith, p. 349. I think about one-third of the seal shot with shotgun are lost.

Wm. H. Smith, p. 478. Very few are lost when struck with a spear. About 66 per cent are lost when shotgun is used.

Cyrus Stephens, p. 479. An ordinary hunter will not get more than one out of four that he shoots at.

Joshua Stickland, p. 350. About 25 per cent of seals shot are lost.

Q. What percentage of seals are taken compared to those you destroy in doing so; in other words, how many do Gustave Sundvall, p. 481. you actually get out those you shoot!—A. I guess we get hardly two-thirds of what we shoot.

Q. Is it not a fact that when you first started in the business, and was inexperienced in hunting, that you, like all other beginners, destroy a much larger proportion than you do now!—A. It is.

Very few seal were lost when struck with spear or arrow, but when seal are shot with shotgun over 50 per cent are lost. A much larger per cent are lost when seal are shot with rifles.
M. Thlkahdaynahkoo, p. 269.

W. Thomas, p. 485. I have always understood that 33 per cent of seals shot with shotguns are lost.

The hunters use shotguns and rifles exclusively for taking seal. I think that from what I have been able to learn,
Jno. C. Tolman, p. 222. about half the seal shot are lost, the hunters being unable to secure them before they sink.

Peter Treashott, p. 271. About 60 per cent of the seal shot with shotgun are lost. A much larger per cent is lost when rifle is used.

John Tyrum, p. 394. I get most all the seals that I hit with the spear. I lose one-half of those I shoot with a gun.

When the spear was used all seal speared were secured. About 50 per cent of the seal are lost when shot with shotguns. Whenever I have used a rifle for shooting seal a much larger proportion of those killed have been lost on account of shooting them at a longer distance from the boat.

Jas. Unatafim, p. 271.

I think I generally lose about 75 per cent of the seals shot with shotgun. *Geo. Usher, p. 291.*

I have learned from personal observation and from conversations with parties that they lose in killed and wounded at least two out of every three obtained. Other sealers have told me that their loss is much greater. *Chas. T. Wagner, p. 212.*

About 50 per cent are lost when shot with shotgun; when rifle is used a much larger per cent is lost. *Rudolph Walton, p. 272.*

I have often conversed with the hunters relative to the percentage of the loss of seals to those taken, and some tell me they get 1 out of 5 or 6. *Elkan Wasserman, p. 534.*

Herenofore the natives have always used canoes, but the white men hunt them from schooners, use firarms, and get about 2 out of 5. *Weckenunesch, p. 311.*

My hunters use shotgun exclusively. They carry a rifle with them in the boat, but have not used one this season to my knowledge. I think, as near as I can estimate, about 33½ per cent of the seals shot are lost. *P. S. Weittenhiller, p. 274.*

From my knowledge and experience in the business it is my conviction that within the last few years, since the sealers have become so numerous in the Pacific and Bering Sea, that not more than 1 out of 3 are secured. *Michael White, p. 490*

I always use the shotgun for taking seal. I think I lose about 5 out of every 10 that I shoot. *Billy Williams, p. 300.*

That for every 3 sleeping seals killed or wounded in the water only 1 is recovered. *Theo. T. Williams, p. 493.*

For every 6 traveling seals killed or wounded in the water only 1 is recovered.

Sometimes I lose 1 and sometimes 2 out of 10 that I shoot with a shotgun. *Fred. Wilson, p. 301.*

When the spear was used very few seal were lost. About 50 per cent are lost when shot with shotgun. A larger per cent are lost when killed with a rifle. *Billy Yeltachy, p. 302.*

I use the shotgun for taking seal, and lose about 2 out of 10 that I shoot.

Sometimes I lose one and sometimes two out of every ten that I shoot. I always shoot the seal close to the boat, so I don't lose many.

Alf Yohansen, p. 369. The shotgun is used altogether for taking seal. About 33½ per cent of the seal shot are lost.

Paul Young, p. 292. Always use shotgun for taking seal. I lose but very few seal, as I always shoot them very close to the boat.

Walter Young, p. 303. Have always used the shotgun for taking seal. Think I lose about three out of ten of those I shoot.

Thos. Zolnoks, p. 399. In hunting with spears I capture nearly all that I hit.

WOUNDING.

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Those only wounded, whether fatally or otherwise, dive and escape capture. The less severely wounded may, and in Dr. J. A. Allen, p. 409, many cases doubtless do, recover from their Vol. I. wounds; but, in the nature of things, many others must die of their injuries. There is a wide range of chances between an instantaneously fatal or disabling shot and a slight wound from which the victim may readily recover, with obviously a large proportion of them on the fatal side of the dividing line.

A good many of the seals that I have caught in the last three or four years have shot in them and some have been *Bowa-chup, p. 376.* badly wounded. I have seen white hunters shooting seals out in the sea, and they lose a great many more than they get, and we sometimes capture some of those that they have badly wounded.

Peter Brown, p. 377. But have caught a great many seals that had shot in them.

I think a great many seals are wounded by hunters that are not taken. The gunshot wounds more seals than the *Chas. Challall, p. 411.* rifle. I think the aim of the hunter is to kill the seal rather than wound it.

We often take seals that have been wounded with a rifle or shotgun, and in their bodies there are a large number *Jas. Claplanhoo, p. 382.* of shot.

Alfred Dardean, p. 322. A good many are wounded and escape, only to die afterward.

When I get seals now a great many have shot in them, a thing I never saw before until about six or seven years *Frank Davis, p. 383.* ago.

Some that I shoot are wounded and get away, and probably die. I have caught a good many seals that had shot in them.

Ellabush, p. 385.

They kill and wound a great many that they do not get. I have speared a great many seals that had shot in them.

Selwish Johnson, p. 388.

I know that a great many must be lost by the white hunters, for a great many that I catch have shot in them, and some are badly wounded.

Jas. Lighthouse, p. 390.

During the killing season on the Commander Islands we frequently find in the bodies both bullets and shot.

Jno. Malowowansky, p. 198.

I have captured a great many seals with the spear and found shot in them.

John Tysum, p. 394.

When they were wounded we had to chase them, and then sometimes would not get them.

Patrick Maroney, p. 464.

While out seal hunting last year I captured a few seals that the white hunters had wounded and lost, and found a good many shot in their bodies. I have captured a good many seals lately that had buckshot in them.

Charley White, p. 396.

At the times when the male seals are on the rookeries the large catches are made. A traveling seal is alert, cautious, quick of hearing, and easily disturbed. A sleeping seal is at the mercy of anyone. The large proportion of traveling seals shot at and lost is due to the timidity of the animal; in fact, all the hunters admit that when there is much shooting going on the seals are very difficult to get. The loss of sleeping seals, which I estimate as two lost for one saved, is due to the fact that unless the bullet or shot kills the animal instantly it will immediately dive, and it is not easy to kill a seal instantly. The head of the seal affords but a small mark. Even in the case of a sleeper, the motion of the water keeps it moving. The boat from which the hunter shoots is also moving, and while there are men who at a distance of 50 or 60 yards can shoot a small object under such circumstances, they are extremely rare. They are famous as experts, and they are highly rewarded for their skill. Certainly not one in ten of all the seal hunters can truthfully assert, nor do they attempt to do so when in a confidential humor, that they kill 50 per cent of their seals dead.

I was in the company of a number of them in Victoria in 1889, and heard them talking among themselves of their prowess. Some put forward claims which the others derided. Any estimate in excess of the one I have already given called forth uncomplimentary remarks and charges of boastfulness. The disinclination of these men to state the absolute facts, and they alone know what the facts are, in relation to the number of seals shot and lost, has been intensified lately by the feeling that it is necessary for them to make a good showing to back up the claim that pelagic sealing is not absolutely destructive of the seal herd.

Only the head of a seal appears for them to aim at. They are shooting at a moving object from a moving boat, and it is fatal, and pretend that 95 per cent of their shots are absurd to that all the seals they kill are picked up before sinking. It is as absurd as though a hunter on land should boast of killing 95 per cent of all the birds he aimed at. There are a few good seal hunters whose loss does not exceed 25 per cent, but they are as well known in the North as champion baseball players in America, and form but a small proportion of the 200 seal hunters who signed for the trip this year.

Many of the seals I have speared had shot and bullets in them. This was never seen before until about eight years ago, and now it is a frequent occurrence.
Wisepoo, p. 397.

A great many that I have caught in the last three or four years have shot in them, and many have been badly wounded.
Thos. Zolnoki, p. 398.

SINKING.

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The white hunter in a boat, when a seal appears on the surface, if within 50 yards, fires at it. If killed outright, the seal immediately sinks, and the boat is rowed for the place where it sank; but I do not think they recover many seals thus killed, and every sealer stated that they seldom expected to get a seal when killed outright. It is almost impracticable to take a seal in the water unless it is wounded so that it is stunned, when it goes into a "flurry," similar to that of a whale when wounded. The boat then being pulled alongside, the seal is gaffed and dragged into it.

In sleeping, the seal's head is to leeward and the steerer will endeavor to work the boat so as to approach from that direction and give the hunter an opportunity to shoot the seal in the back of the neck. When so shot they take longer to sink than when shot in the face; that is, if a seal bobs up in the water, its body being in a submerged and horizontal position, and if it be instantly killed by the shot it will at once sink. It is then that the 8 or 10 foot gaff is used to recover it. It has been my observation that the rapidity with which seals sink is influenced by several conditions. A pregnant female will sink less quickly than a male of equal size. If a seal be shot at a time when the air is well exhausted in the lungs it will sink more quickly than if killed when the lungs are inflated. If a seal is asleep and shot in the back of the head it will float for several minutes, thus enabling the hunter to secure it.

Only such seals as are instantly disabled can be secured, and even many of these must be lost, since the specific gravity of a dead seal is greater than that of the water in which it is killed.
Dr. J. A. Allen, vol. 1, p. 408.

N. W. Anderson, p. 223. If seals are shot dead they must be picked up at once or they will sink.

The females sink almost immediately when shot, if heavy with young. *Chas. Avery, p. 218.*

When a seal is killed dead, he will sink very quick, which is the reason I never shoot them unless they are so near the boat that I can secure them. Seal are always shot in the head when possible. *Adam Ayonkee, p. 255.*

We tried to shoot the seals in the head or heart, for if we shot them in any other place we would lose them, and if we killed them dead they would sink and many of them we could not get. *Bernhardt Bleidner, p. 315.*

Seal when shot dead sink very quick, and are hard to secure under those conditions. *Wilton C. Bennett, p. 356.*

When seals are shot when they first put their heads above water they sink at once and are hard to secure. Always try to shoot seal in the head. If head is not exposed, we shoot them in other parts of the body. *Martin Benson, p. 405.*

Fur-seals sink almost instantly after being struck and unless picked up immediately can not be recovered. *J. A. Bradley, p. 227.*

A great many seals that are shot would sink before we could secure them. Sometimes the water above the sinking seal would be so discolored by the blood that it was impossible to see it and secure it with the gaff-hook, which all sealing boats carry for that purpose. *Henry Brown, p. 318.*

If we didn't get to a seal soon after it was shot it would sink, and we lost a great many; probably got about one out of five of all the seals shot. *Thos. Brown (No. 1), p. 319.*

I lost a great many that were killed by their sinking before we could get to them. *Jas. L. Cartlout, p. 409.*

When seal are shot dead they almost instantly sink and are hard to secure. *S. Chinkootin, p. 257.*

Fur-seals when shot dead, sink almost immediately. *Julius Christiansen, p. 219.*

If seal are instantly killed they will sink very quick, and are harder to secure under those conditions than they would be if badly wounded. *Peter Church, p. 257.*

Sometimes I would kill the seal dead and it would sink in the water almost as quickly as a rock, and unless we were quick to reach it, it would be lost. Sometimes we fish them up out of the water with a gaff hook, and would secure a few that way. *Jas. Claylanhoe, p. 382.*

If we killed them too dead a great many would sink before we could get them and were lost. Sometimes we could *Alford Dardean*, p. 322. get some of these that had sunk with the gaff hook, but could not save many that way.

About two years ago I began to hunt with guns, but always carried a spear. Since I have been hunting with guns I *Ellabush*, p. 385. lose a great many seals that I shoot. I kill some dead and they sink like a rock.

Wm. Foster, p. 220. From my own experience, and what I have been told by other hunters, about one-half of the seals killed sink. * * * *A seal, if shot dead, will sink almost immediately.*

Most all the seals sunk or dove out of sight when killed or wounded and a great many of them we could not *Wm. Fraser*, p. 427. get.

John Fyfe, p. 429. When we shot the seals dead they would sink and we would not get them.

When seals are shot in the head and instantly killed they will sink at once and are hard to secure under those *Jas. Gondowen*, p. 259. conditions.

Nicoli Gregoroff et al., Large seals sink rapidly, while the smaller ones p. 294. float a few minutes.

Fur-seals sink almost invariably in less than three minutes after being killed, and gravid cows much quicker.

A. J. Guild, p. 232. They should be approached from the lee side quietly, and picked up as soon after being struck as possible in order to secure them.

Q. According to your experience, what percentage of animals that are shot at are actually taken by the boats?—*A. Chas. H. Hagman*, p. 435. Most all of them; very few escape. Maybe out of the whole year's catch of a couple of thousand a dozen may sink. It is a rare occurrence that they sink.

I do not think we got over one-half that we killed and wounded. Have seen six out of seven killed sink and were *Jas. Hayward*, p. 328. lost before we could get to them. This happened last year in a boat I was in.

All fur-seals sink rapidly after being killed, and females heavy with young go down soonest; a great deal depends on *Norman Hodgson*, p. 367. the way a seal is shot, however.

If the seal be shot with the head down, as in the act of diving, its momentum sends it under for a moment or two, when it will quickly rise to the surface and float until the air in its body escapes, which generally occupies anywhere from five to ten minutes. A seal shot with its head up almost always sinks instantly.

Fur-seals shot when sleeping occasionally go down at once, but the rule is for them to float for three or four minutes. They should be approached from the leeward, and if shot in the back of the head may almost invariably be recovered.

When seal are killed dead they sink very quick, especially if killed when they first put their head above water, as they do not have a chance to take breath. Most all seal are shot in the head when it is possible to do so. *E. Hofstad, p. 260.*

If a seal is killed when its head first comes above water, it sinks at once. Under those conditions they are hard to secure. Seal are always shot in the head when possible, but never miss a shot at them if only a small part of the body is exposed. *P. Kahiktday, p. 261.*

If a seal is shot and killed instantly he will sink very quick. *Philip Kashevaroff, p. 262.*

Firearms (rifles and shotguns) are used almost exclusively. All seals sink quickly, but those shot through the head and killed remain on the surface longest. *Frank Korth, p. 235.*

If seal are shot dead, they sink at once and it is hard to secure them. Seal are shot in the head when it is possible to do so. *Jno. Kowineet, p. 264.*

Seal, when instantly killed, will always sink quick. I always shoot seal in the head when possible. *Geo. Lacheek, p. 265.*

To secure a fur-seal it is best to shoot it through the body, as it will float longer than if shot through the head. Male fur-seal sink almost instantly when shot dead, while a pregnant female will float for several minutes. *E. L. Lawson, p. 221.*

The practice of using shotguns charged with buckshot is working havoc in the seal herd. The shots scatter, and many animals are wounded and escape that afterwards die of their wounds. This is conclusively proved by the fact that many skins known to the trade as "stinkers" are brought in and offered for sale; so called because they have been taken by passing vessels from seals found dead on the surface of the water. It is well known that seals which are killed at sea and sink beyond the reach of the hunter's gaff rise to the surface after decomposition sets in. Naturally, those thus picked up are but a small part of the number that actually perish in the water in consequence of their wounds.

When a seal is shot dead it almost instantly sinks, and it is only secured by stunning it. *Wm. H. Long, p. 458.*

Cow seal with pup will float lighter than a male when killed. *Geo. McAlpine, p. 266.*

We always shoot seal in the head when possible. If head is not exposed, we shoot them in the most exposed part
J. D. McDonald, p. 266. of their body. When a seal is killed instantly he will sink at once, and is hard to secure under those conditions.

The hunters lost a good many of the seals that they shot, because they could not get up quick enough to get them
Wm. McIsaac, p. 481. before they would sink. We would use a hook to spear them, but sometimes we could not often get hold of them even with that. The bulls generally sunk quicker than female seals.

I have no doubt that in obtaining the skins [416 in number] found on the *J. H. Lewis* the poachers must have killed from *John Malowansky, p. 197.* 1,500 to 2,000 seals, as when vitally shot seals will usually sink before it is possible to capture them.

When the seals were shot they would sink to the bottom. You have got to hurry up and pull to them quickly after *Henry Mason, p. 465.* shooting, or they will sink. A great many were shot that we could not get, as they sunk before we got to them.

A good many would sink when we shot them and would go down like a stone and were lost, and nearly all the wounded *Thorval Mathasan, p. 339.* ones would get away. Those that we would kill, we would try to get up to them before they would sink and get them with the gaff hook, but we could not get many that way. We carried two gaff hooks to each boat.

G. E. Miner, p. 463. If a seal is killed instantly when he first puts his head above water he will sink at once.

A female seal will sink much quicker after she has given birth to her *William Parker, p. 344.* young than before. We are more sure of getting a sleeping seal than one that is breaching.

If shot in the head a seal will usually float, and is taken. If shot through the body it usually sinks, or escapes to *W. Roberts, p. 241.* die later. When shotgun is used about one seal is secured for five shots; those not secured generally sink at once, or are badly wounded and escape to die. Of seals shot dead, about one-half sink at once and one-half are taken.

If killed outright, the seal sinks almost immediately and in nearly every case is lost. When so wounded that it is *L. G. Shepard, p. 188.* unable to dive, it goes into a "flurry," and the boat being pulled up rapidly, it is gaffed and dragged on board. The gaff used by seal-hunters is about 5 feet in length.

When seal are shot as soon as they put their heads above water, they sink immediately and are hard to secure. *Jack Stika, p. 268.* Always shoot seal in the head when possible. If not possible to shoot them in the head, then I shoot them in the most exposed part of their bodies.

When a seal has his nose out of water and you shoot him, he will sink at once, and if you shoot a seal and he turns his nose out of the water, he will sink immediately *Fred. Smith, p. 349.* and is hard to secure under those conditions.

Fur-seals taken in the open sea must be struck in moderately calm weather, and picked up immediately afterwards *J. W. Smith, p. 233.* in order to secure them before sinking.

A great many seals are lost in hunting them by sinking before the boats can get to them, and a great many are *John A. Swain, p. 350.* badly wounded and escape.

A much larger per cent is lost when the rifle is used, as the seal sink very quickly after being shot. * * * When seal are shot dead they sink very *Charlie Tlaksatan, p. 270.* rapidly. Seal are always shot in the head when it is possible to do so.

If a seal is shot dead he will sink at once. You have got to get to them at once, or else you will lose them. The object is to wound them so that they will flop *Adolph W. Thompson, p. 486.* around on the water.

When seal are asleep lying with their heads on the water and are killed, they most always float, but if shot as they put their heads out of water they sink almost *Peter Trearsheet, p. 271.* immediately. Always shoot a seal in the head when it is possible to do so.

If I kill a seal right dead, it sinks almost as quick as a rock, and if it is slightly wounded they run away and are *John Tyrum, p. 394.* lost.

If the seal are instantly killed they sink at once and are hard to secure. Seal are always shot in the head when *Jas. Unatajim, p. 271.* possible.

Some seal when shot and killed dead sink at *Rudolph Walton, p. 272.* once.

When seal are killed dead they sink almost instantly. All seal are shot in the head when it is possible to do so. *Charlie Wank, p. 273.*

Hunters shoot all seal in the head when it is possible to do so and take their chances of its sinking before they can *P. S. Weittenhiller, p. 274.* reach them.

A great many that we shoot sink.

John Woodruff, p. 506.

When a seal is shot dead he sinks at once. *Michael Wooskoot, p. 274.* Seal are always shot in the head whenever it is possible to do so.

The present practice in pelagic sealing is to shoot them from a boat with a shotgun and secure them with a short-handled gaff. If killed instantly, they are apt to sink, unless picked up immediately. If wounded, they may be gaffed in their "flurry."

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I can also tell by examining a skin whether it has been taken from a female or male. I have examined and sorted a great many thousand skins taken from sealing schooners, and have observed that they are nearly all females, a few being old bulls and yearlings. A female seal has a smaller head and a larger belly when with young than a male seal, and the fur on the belly part, where the teats are, in consequence of being worn, is not worth much, and has to be cut off after being dyed.

The skins of the male and female animal are readily distinguishable from each other in the adult stage by reason of the difference in the shape of the heads. That the Copper and Alaska skins are almost exclusively the skins of the male animal, and the skins of the Northwest catch are at least 80 per cent of the skins of the female animal. That prior to and in preparation for making this deposition deponent says he carefully looked through two large lots of skins now in his warehouse for the especial purpose of estimating the percentage of female skins found among the Northwest catch, and he believes the above estimate to be accurate.

That the skins in the Northwest catch are also pierced with shot and spear marks, in consequence of having been killed in the open water instead of upon land by club.

The great majority of the skins sold from the Northwest catch are the skins of female seals. Deponent is not able to state exactly what proportion of such skins are the skins of females, but estimates it to be at least 85 per cent, and the skins of females are readily distinguishable from those of the males by reason of the fact that on the breast and on the belly of the bearing female there is comparatively little fur, whereas on the skins of the male seals the fur is evenly distributed; and also by reason of the fact that the female seal has a narrow head and the male seal a broad head and neck; and the skins of this catch are also distinguishable from the "Alaska" and "Copper" catch by reason of the fact that the seals are killed by bullets or buckshot, or speared, and not, as on the Pribilof and Commander Islands, by clubs. Marks of such bullets or buckshot or spears are clearly discernible in the skins, and there is a marked difference in the commercial value of the female skins and of the male skins. This fact, that the Northwest skins are so largely the skins of females, is further evidenced by the fact that in many of the early sales of such skins they are classified in deponent's books as the skins of "females."

And in the same way deponent thinks from his own personal experience in handling skins that he would have no difficulty whatever in separating the skins of the Northwest catch from the skins of the Alaska catch by reason of the fact that they are the skins almost exclusively of females, and also that the fur upon the bearing female seals is much thinner than upon the skin of the male seals; the skin of the animal while pregnant being extended and the fur extended over a large area.

That the said firm can distinguish very readily the source of production of the skins when the latter are in their undressed state; that for several years besides the skins of the regular companies, such as the Alaska

*Emin Hertz, p. 558
(French furrier).*

Company (American concessionaire) and the Copper Company (Russian concessionaire) the said firm has bought quantities of skins called Northwest Coast, Victoria, etc. That these skins are those of animals caught in the open sea by persons who apparently derive therefrom large profits, and nearly three-quarters of them are those of females and pups, these probably being less difficult to take than the males; that these animals are taken by being shot.

That the seals taken by the Alaska and Copper companies are males; the destruction of which is much less prejudicial to the preservation of the race, and which furnish the best skins, these being finer and more furnished with down; that they are killed on the islands with clubs. That every animal killed by ball or shot bears the traces of such slaughter, which marks greatly depreciate the value of the skin.

An essential point of difference between the skins of the Northwest catch and the skins of the Alaska and Copper Island catches consists in the fact that most of the Northwest skins are the skins of the female seal,

Walter E. Martin, p. 569.

while the Copper and Alaska skins are of the male seal. Deponent has made no computation or examination which would enable him to say specifically what proportion of the Northwest catch are the skins of the female seal, but it is the fact that the great majority, deponent would say 75 to 80 per cent, of the skins of this catch are the skins of the female animal. The skins of the male seal and of the female seal may be as readily distinguished as the skins of the different sexes of any other animal. The skins of the female seal, for instance, show the marks of the breast, and the fur upon the belly is thinner, and the whole of the fur is also finer, lower in pile; that is, the fibers composing the fur are shorter than in the case of the male seal. Another means of distinguishing the female skins from the skins of the male lies in the fact that the skins of the female are narrower at the head and tail and are proportionately wider in the belly than the skins of the male seal. Another means of distinguishing the seals of the Northwest catch from the skins of the Copper Island and Alaska catches consists in the fact that nearly all the skins of this catch have holes in them, which deponent understands is caused by the fact that the seals from which they are taken have been shot or speared in the open sea, and not, as is the case with the seals from which the skins of Copper Island and Alaska catches are taken and killed, with clubs upon land.

Both the Copper Island skins and the Alaska skins are almost exclusively the skins of male seals, and the difference *Henry Poland, p. 571.* between the skin of a male seal and a female seal of adult age can be as readily seen as between the skins of different sexes of other animals. That the Northwest skins are, in turn, distinguishable from the Copper Island and Alaska skins, first, by reason of the fact that a very large proportion of the adult skins are obviously the skins of female animals; second, because they are all pierced with a spear or harpoon or shot, in consequence of being killed in open sea, and not, as in the case of Copper Island and Alaska skins, being killed upon land by clubs; third, because the Northwest skins are cured upon vessels by the crews of which they are killed, upon which there are not the same facilities for flaying or salting the skins as there are upon land, where the Copper and Alaska skins are flayed and salted.

The Japanese skins, which, I think, are now included in the Northwest catch, are distinguishable from the other skins of the Northwest catch by being yellower in color, having a much shorter pile, because they are salted with fine salt, and have plenty of blubber on the pelt. That the skins purchased by deponent's firm are handed over by it to what are called dressers and dyers, for the purpose of being dressed and dyed.

The skins taken in the North Pacific and Bering Sea by hunters are of the same nature as those taken on the Pribilof Islands, but are of less value, owing to the fact that they are taken at all seasons of the year. Part of them are stagy, some are full of holes from being shot, and the fur on the belly of quite a number of the female seals giving milk is of little value. I have handled and examined many thousands of skins purchased from hunters who had taken them along the coast and in Bering Sea. Fully 80 per cent of them were females, which skins were readily distinguishable.

That the differences between the skins of the adult male seals and the adult female seals are as marked as the differences between the skins of the two sexes of other animals, and that in the Northwest catch from 85 to 90 per cent of the skins are of the female animal. *Geo. Bios, p. 573.*

Deponent does not mean to state that these figures are mathematically accurate, but they are, in his judgment, approximately exact.

I should estimate the proportion of female skins included within the Northwest catch at at least 75 per cent, and I *Wm. C. B. Stamp, p. 575.* should not be surprised nor feel inclined to contradict an estimate of upwards of 90 per cent. My sorter, who actually handles the skins, estimates the number of female skins in the Northwest catch at 90 per cent.

One means of distinguishing the skins of the Northwest catch from those of the other catches is the fact that they are pierced with shot or spear holes, having been killed in the open sea, and not, as in the case of the Copper and Alaska catches, killed upon land, with clubs.

The number of Japanese skins averages, deponent should say, about 5,000 a year, although there is a good deal of fluctuation in the quantity from year to year, and deponent says that, like the other skins included in

the Northwest catch, they are principally the skins of female seals, not easily distinguishable from the skins taken from the herds frequenting the eastern part of the Pacific Ocean and Bering Sea, except by reason of their being principally speared instead of shot.

The most essential difference between the Northwest skins and the Alaska and Copper catches is that the Northwest skins, so far as they are skins of adult seals, are almost exclusively the skins of female seals and are nearly always pierced with shot, bullet, or spear holes.

The skins of the adult female seal may be as readily distinguishable from the skins of the adult male as the skins of the different sexes of other animals; that practically the whole of the adult Northwest catch seals were the skins of female seals, but the skins of the younger animals included within this Northwest catch, of which we have at times a considerable number, are much more difficult to separate into male and female skins, and I am not prepared to say that I could distinguish the male from the female skins of young animals.

A certain percentage of young animals is found among the consignments received by us at the beginning of each season, which we understand and are informed are the skins of seals caught in the Pacific Ocean off the west coast of America, but a much smaller percentage of such small skins is found among the consignments later in the season, which we are informed are of seals caught in the Bering Sea.

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Relative to matter of depletion of seal herds of the Pribilof Islands, this most deplorable fact is due in our opinion in great part, if not entirely, to the action of sealers in the indiscriminate killing of these animals. *C. G. Gunther's Sons, p. 532.*

while in transit to and from these islands for breeding purposes, the males being killed in much greater proportionate numbers, owing to their less aggressive nature and their being less able to escape. While on their way to these islands, the cow (female) seal is in a condition of pregnancy, the period of gestation ending shortly after their landing. If intercepted and killed while in this condition the loss is obvious.

In 1890 I examined 14,000 fur-seal skins that were brought down on a tender from Sand Point, Alaska. That was the entire catch of the Victoria sealing fleet up to that time, the middle of June. It was transferred at Sand Point so that the schooners which had the catch on board could enter the Bering Sea clear of all skins, in case they might be overtaken and searched by revenue cutters. The proportion of females in this lot was over 90 per cent. It was very easy to distinguish the males from the females on account of the formation of their heads, the belly being swollen out of shape, the teats showing signs of development, and also showing that the seal had been full of young and had evidently been cut open and the young removed. There were also some black pups among the lot, which are the skins of unborn seals and have no commercial value. * * *

I also examined a portion of the catch brought to Victoria in 1891, and the same conditions as to females existed as in the previous year, except that there was a larger proportion of yearling skins among them.

I have also examined skins taken by hunters from the Bering Sea, and there is even a greater proportion of females than among those taken on the coast. It is easier to distinguish the females in the Bering Sea skins, for the teats are fully developed from the seals suckling their young and they are caught while in the sea searching for food. The fur on the belly of these female seals is very poor and thin, owing to the swelling and fever in the teats, caused by suckling. Oftentimes female skins are found with big bare spots round the teats, due to the same cause.

At that time [1865] he made his purchases from the Indians on the western coast of the American continent, who offered to Herman Liebes, p. 512. him only the skins of female seals; that the price he originally paid for them was as low as 50 cents per skin; that he offered the Indians a much higher price for male skins, and was told by them that the male seals could not be caught, and that many Indians whom he has personally seen kill seals and from whom he has bought skins, have told him that male seals and the young cows were too active to be caught and that it was only the female seals heavy with young which they could catch. The males, for instance, as deponent was told by the seal-hunters, come up to the surface of the water after diving often as much as a mile from the place they went down, whereas the females can, when pregnant, hardly dive at all.

Deponent says that from his own observation of live seals during many years, and from his personal inspection of the skins, he knows the difference between the skin of a female seal and a male seal to be very marked, and that the two are easily distinguishable. The skin of a female seal shows the marks of the breasts, about which there is no fur. The belly of the female seal is barren of fur also, whereas on the male the fur is thick and evenly distributed. The female seal has a much narrower head than the male seal, and this difference is apparent in the skins; also that the differences between the male and female skins are so marked that there is now and always has been a difference in the price of the two of from 300 to 500 per cent. For example, at the last sales in London, on the 22d day of January, 1892, there were sold 30,000 female skins at a price of 40 shillings apiece, and 13,000 male seals at a price of 130 shillings apiece on an average.

Second. That from the year 1864 down to the present day deponent or his firm have been large purchasers of seal-skins on the western coast of America from the Indians and residents on the British coast; and deponent believes that he has handled nearly three-fourths of the catch from that time down to the present. That during the whole of this period he has purchased from 3,000 to 40,000 seal-skins a year, and that he has personally inspected and physically handled the most of the skins so bought by him or his firm.

That from the year 1880 he has been in the habit of buying skins from American and English vessels engaged in what is now known as poaching, and that he has personally inspected every cargo bought and seen unloaded from the poaching vessels, and subsequently seen and superintended the unpacking of the same in his own warehouse; that the most of the skins above mentioned as purchased by him have been bought from the poaching vessels, and that of the skins so bought from the vessels known as poachers, deponent says that at least 90 per cent of the total number of skins were those of female seals, and that the skins of male seals found among those cargoes were the skins of very

small animals, not exceeding two years of age, and further, that the age of the seal may be told accurately from the size of its skin.

Third. That the skins bought at Victoria from the poaching vessels are shipped by him largely to the firm of C. M. Lampson & Co., in London, who are the largest sellers of skins in the world and the agents of deponent's firm. That he has been through the establishment of C. M. Lampson & Co., in London, very frequently. That he has frequently heard stated by the superintendent thereof that the great majority of the skins received by them from what is called the "Northwest catch," that is, the Northwest Coast of Victoria, are the skins of seals caught by vessels in the open Pacific or the Bering Sea, and that a large proportion of said skins, amounting to at least 90 per cent, were in his, the said superintendent's, judgment obviously the skins of female seals.

Fourth. That deponent has frequently requested the captains of the poaching vessels sailing from the port of Victoria and other ports to obtain the skins of male seals, and stated that he would give twice as much money, or even more, for such skins than he would pay for the skins of female seals. Each and all of the captains so approached laughed at the idea of catching male seals in the open sea, and said that it was impossible for them to do it, and that they could not catch male seals unless they could get upon the islands, which, except once in a long while, they were unable to do in consequence of the restrictions imposed by the United States Government; because they said the males were more active and could outswim any boat which their several vessels had, and that it was only the female seals who were heavy with young which could be caught. Among the captains of vessels with whom deponent has talked, and who have stated to him that they were unable to catch anything but female seals, are the following:

Captain Cathcart, an American now about 75 years of age, who commanded the schooner *San Diego*, and who subsequently commanded other vessels; Capt. Harry Harmson, Capt. George W. Littlejohn, Capt. A. Carlson, Gustav Sundvall, and others, whose names he does not now remember.

I find in handling the skins taken in Bering Sea that the teats of those from the cow seals are much larger and more developed than from the ones taken in the North Pacific before they have given birth to their young; and the fur on the belly of the former is thinner and poorer than on the latter, as the result, I suppose, of the heat and distention of the udder consequent upon giving milk.

In my examination of skins offered for sale by sealing schooners, I found that over 90 per cent were skins taken from females. The sides of the female skin are swollen, and are wider on the belly than those of the males. The teats are very discernible on the females, and it can be plainly seen where the young have been suckling. The head of the females is also much narrower.

I have bought and examined the catch of a great many sealing schooners during the last ten years, and have observed that 85 to 90 per cent of skins taken were from female seals, which I could distinguish by a

Isaac Liebes, p. 455.

Sidney Liebes, p. 516.

John N. Lofstad, p. 516.

glance, from the shape of the skins, texture of the fur, and development of the teats.

I have read the affidavit of John J. Phelan, verified the 18th day of June, 1892. I was present at the examination of *Chas. E. McClenen, p. 517.* seal-skins therein referred to. While Phelan inspected all of these seal-skins I assisted him in the inspection of about three-fourths of them. I know that of those we inspected jointly none were improperly classed as the skins of female animals.

I was visiting in San Francisco in the winter of 1890-'91, and I worked in a fur store during several months of my stay *Anton Melovedoff, p. 144.* there, and I was called on to handle and inspect thousands of the skins taken by schooners in Bering Sea, and they were nearly all cow seal-skins.

I assort the furs into different classes and qualities and usually divide them into four grades—first, second, third, and *Chestoqua Peterson, p. 393.* fourth.

The first class is composed mostly of the skins of full-grown cows. I distinguish the skins of males from those of cows because the skins of the cows have white whiskers and those of males black whiskers.

The second class I place the skins of younger seals that are 2 years old and over. They all have black whiskers, both male and female, except perhaps a few seals, whose whiskers are beginning to turn white.

The third class I place the skins of all seals that are less than 2 years old, excepting the gray pups.

The fourth class I put the gray pups.

The third and fourth classes are about half male and half female. About one-third of all the skins taken here are graded as first-class skins, and are mostly female skins. In former years the Indians would take a greater proportion of pups than they do now. I know this because of the skins that are offered for sale now. In the schooner *James G. Swan* this year the Indians captured 198 skins, and among the whole lot there were only 2 skins of pups. The seals taken far off the shore are larger than those caught near the coast or in the straits.

In buying the catch of schooners engaged in the sealing business, I have observed that fully 75 per cent of them *B. H. Sternfels, p. 522.* were females and had either given birth to their young or were heavy in pup when killed, which was easily observed by the width of the skin of the belly and the small head and development of the teat.

While the Northwest Coast catches have of late years placed upon the market comparatively cheap skins, and in that *Geo. H. Treadwell, p. 523.* way perhaps benefited my particular business, yet I recognize the fact that such benefit can only be of temporary duration, for I have always noticed that these catches are largely composed of female skins, and I know that to kill female animals seriously impairs the herd.

The first consignment was placed in cold storage at the Central Stores in New York City. A short time since I consented, at the request of the United States Government, that this consignment be examined, in order to determine how many female skins it contained. To perform the examination I detailed John J. Phelan. This man has been in the employ of my father or of myself since the year 1868. I regard him as one of the most competent and trustworthy men in our service. I have read an affidavit verified by him on the 18th of June. I agree entirely with what he says concerning his experience in the handling and dressing of skins, and from what I know of his character and ability I believe that everything stated by him in this affidavit is correct.

That the skins of the Northwest catch are, deponent would say, at least nine-tenths of them, skins of female seals. The skins of the female seals are as readily distinguishable, before being dressed and dyed, from the skins of male seals as the skin of a bitch and the skin of a dog, or the skin of any other female animal from that of the male of the same family. The females always have narrower heads than the males, and the breasts afford another ready means of identification of female seals.

It is true that the Northwest Coast catches have of late years placed upon the market a certain number of good skins which could be purchased at prices far below those for which skins of the Alaska catch were sold. But I realize that this can not continue to be the case, for it is a matter of common knowledge amongst furriers that these Northwest Coast catches are composed mainly of the skins of female animals, and I understand that the killing of female seals is rapidly impairing the value of the herd.

I have for many years personally examined numerous shipments of Northwest Coast skins purchased at Victoria. I have had such experience in handling fur-seal skins as enables me, readily in most cases, but always upon careful examination, to distinguish a female skin from a male skin, and I know it to be a fact that a very large proportion of the skins in such shipments are those taken from female animals. It is also true that a large number of skins in many of these shipments are rendered almost valueless through the numerous bullet holes which they contain.

I have observed that by far the larger portion of skins purchased by me were taken from female seals. Not less than eight out of every ten were from cows with pup or in milk.

During the past two years I have handled large numbers of Northwest Coast skins (*i. e.*, skins of animals taken in the Pacific Ocean or in Bering Sea). I have assorbed all of them, and in doing so have specially noticed the fact that a very large proportion were skins of female animals. To determine this fact in the case of dressed skins I see whether there are any teat holes. I never call a skin a female skin unless I can find two such holes on either side. These holes can be easily distinguished from bullet or buckshot holes, of which there are generally a

great number in Northwest Coast skins. In the case of a shot hole it is always evident that the surrounding fur has been abruptly cut off, while around the edge of a teat hole the fur gradually shortens as it reaches the edge and naturally ceases to grow at the edge.

I have just looked over an original case of ninety dressed and dyed Northwest Coast fur-seal skins, which have been lately received from London, and were still under seals placed on them in London. I found that of these ninety skins nine only were those of male animals.

Deponent further says that the skins of the Northwest catch are almost entirely the skins of females. That the

C. A. Williams, p. 537. skins of males and the skins of females may be as readily distinguished from each other as the skins of the different sexes of any other animals, when seen before being dyed and dressed, and that the reason why the skins of this catch are almost exclusively females is that the male seal is much more active and much more able to escape from the boats engaged in this manner of hunting than the female seal, and that a large number of the female seals included in the Northwest catch are of animals heavy with young. A large number of females are also caught on their way from and to the Pribilof Islands and their feeding grounds before and after the delivery of their young on those islands.

A statement is attached hereto, prepared by deponent, giving his estimate of the number of female seals killed by *C. A. Williams, p. 540.* pelagic hunting in the past twenty-one years.

That for the last fifteen years he has had consigned to him by fur dealers from 8,000 to 10,000 seal-skins annualy, for the purpose of dressing and dyeing the same; that about 50 per cent

Jos. D. Williams, p. 548. of the skins so received by him came from London in casks marked as they are catalogued by C. M.

Lampson & Co., and are the skins belonging to what is known as the "Northwest catch;" and deponent is informed and believes that the Northwest catch, as the term is used in the trade, means the skins of seals caught in the open sea and not upon the islands. Another reason for this belief is the fact that all of the skins of the Northwest catch contain marks showing that the animal has been killed by bullets or buckshot, the skins being pierced by the shot, whereas the skins killed on the American and Russian islands are killed on land by clubs and are not pierced.

That of the skins of the Northwest catch coming into his hands for treatment probably all are the skins of the female seal, and that the same can be distinguished from the skins of the male seal by reason of the breasts and of the thinness of the fur around the same and upon the belly, most of the female seals being killed while they are bearing their young, and the fur therefore being stretched and thinner over that part of the body; and also for the further reason that the head of the female seal is much narrower than that of the male seal, and that this point of difference is obvious in the skins of the two classes. That of the total number of the skins received by him about 25 per cent are the skins of the "Alaska" and "Copper" catch. That all the skins of the "Alaska" catch are male seals, and an overwhelming proportion of the "Copper" catch are likewise male skins. That the remainder of the skins sent to deponent for dressing and dyeing, as aforesaid, are received by him through the house of Herman Liebes &

Co., of San Francisco, and others; the majority, however, from Herman Liebes & Co. The skins received from the latter sources are from each of the three catches known to the trade as the "Copper," "Alaska," and "Northwest" catch, although the major part thereof belong to what is known as the "Northwest" catch, and are, as in the case of the skins received from London of that catch, all skins of the female seal.

I dress and dye fur-seal skins of the Alaska, Copper, and Northwest Coast catches. I can readily distinguish the skins belonging to each of them. I can also readily tell *Jos. D. Williams, p. 549.* a female skin from a male skin. The predominance of the former over the latter in the Northwest Coast catch is one of its most distinguishing features. I can not state exactly what the percentage is of each sex, but I am sure that as a rule there are found in the Northwest Coast catches at least ten times as many female skins as male skins. There are various ways of determining the sex of the animal from which seal-skins are taken. Some of them are the following: (1) Female skins have teats, which are easily found even in the salted skin, especially when the animal is over two years of age. (2) The shape of a female skin is narrower at the head and on the shoulders. (3) There is a perceptible difference in the character of the hair of the skins of the two sexes.

In examining and purchasing seal-skins from the schooners in their raw state I have observed that 90 per cent of their catch are females. I know that to be a fact, because *Maurice Windmiller p. 550.* the heads of the females are smaller, the bellies larger, and the teats can be plainly seen. The teats show more plainly when the skin is dressed and dyed.

In examining the skins taken by sealing schooners I have found most of them perforated with shot, making them much less valuable thereby. Formerly more of them used to be killed with a rifle, which did not injure the skin as much.

The destruction of seals in the North Pacific Ocean, as well as in the Bering Sea is largely confined to females. This fact can not be disputed successfully. I made an *Theo. T. Williams, p. 495.* examination of the reports of the gentlemen who handled the North Pacific collection, up to and including the year 1889, and all agreed that the skins were nearly all from females.

It may not be out of place to explain that the smaller value of the female seal, especially after the birth of her pup, is in a measure due to the wearing of the fur around the teats. The amount of merchantable fur being reduced to that extent, makes it necessary for the handlers of skins to observe carefully whether pelts are male or female, as well as their general condition. They make a complete classification, and being experts in their business, are not likely to make mistakes.

DESTRUCTION OF FEMALE SEALS.

EXAMINATION OF PELAGIC CATCH OF 1892.

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On May 7 of this year I examined 355 salted fur-seal skins, ex-steamer *Umatilla* from Victoria, and found the same to be fresh skins taken off the animal within three months. They were killed in the North Pacific. On examination I found they were the skins known as the Northwest

Coast seals, and belong to the herd which have their rookery on the Pribilof Islands. The lot contained 310 skins of the fur-seal cow (matured). From the shape of the skin most all of these cows must have been heavy with pup, and same cut out of them when captured. Eighteen skins of the fur-seal male (matured). Twenty-seven skins of the fur-seal gray pup, from 6 to 9 months old; sex doubtful.

On June 2, I examined 78 salted fur-seal skins, ex-steamer *Walla Walla* from Victoria, and found the same to be fresh skins taken off the animal within three months. They were killed in the North Pacific.

On examination I found they were the skins known as the Northwest Coast seals, and belong to the herd which have their rookery on the Pribilof Islands. The lot contained 66 skins of the fur-seal cow (matured). From the shape of the skin most all of these cows must have been heavy with pup, and same cut out of them when captured. Five skins of the fur-seal male (matured). Seven skins of the fur-seal gray pup, from 6 to 9 months old; sex doubtful.

On June 7, I examined 268 salted fur-seal skins ex-steamer *Umatilla* from Victoria, and found the same to be fresh skins taken off the animal within three months. They were killed in the North Pacific. On examination I found they were the skins known as the Northwest Coast seals, and belong to the herd which have their rookery on the Pribilof Islands. The lot contained 212 skins of the fur-seal cow (matured). From the shape of the skin most all of these cows must have been heavy with pup, and same cut out of them when captured. Eleven skins of the fur-seal male (matured). Forty-five skins of the fur-seal gray pup, from 6 to 9 months old; sex doubtful.

On the same date I also examined 124 salted fur-seal skins ex-*Umatilla* from Victoria, and found the same to be fresh skins taken off the animal within three months. They were killed in the North Pacific. On examination I found they were the skins known as the Northwest Coast seals, and belong to the herd which have rookery on the Pribilof Islands. The lot contained 93 skins of the fur-seal cow (matured). From the shape of the skin most all of these cows must have been heavy with pup and the same cut out of them when captured. Fifteen skins of the fur-seal male (matured). Sixteen skins of the fur-seal gray pup, from 6 to 9 months old. Sex doubtful.

I notice on examining seals caught this spring that there is a lack of the larger size of productive animals, and the lots mostly contain the skins of the medium-sized seals, running from 2 to 3 years of age.

On July 13, 1892, I examined 1,342 salted fur-seal skins, ex-schooner *Emma and Louise* from the North Pacific Ocean, Chas. J. Behlow, p. 402. and found same to be fresh skins taken off the animal within four months. They were killed in the North Pacific. On examination I find they were the skins known as the Northwest Coast seals, and belong to the herd which have their rookery on the Pribilof Islands. The lot contained 4 skins of the fur-seal, large bulls (breeding bulls); 123 skins of the fur-seal, male (mostly matured); 98 skins of the fur-seal, gray pup, less than 1 year old, sex doubtful; 1,112 skins of the fur-seal, cow (mostly matured). From the shape of the skin most all these cows must have been heavy with pup, and same cut out of them when captured.

On the 29th instant I examined 2,170 salted fur-seal skins ex-schooner *Ed. E. Webster*, that were taken by said schooner Chas. J. Behlow, p. 403. off the coast of Japan in the Pacific Ocean. I found them to be fresh skins skinned off the

animal within four months last past, and that they are of the class of skins known as Russian seals, and they belong to the herd having its rookery on the Commander Islands and the Robbins Bank.

The lot contains 320 skins of the fur-seal male (mostly matured); 105 skins of the fur-seal gray pup under one year of age (sex doubtful); 1,745 skins of the fur-seal cow (mostly matured). From the shape of the latter most all of these cows must have been heavy with pup, and the same cut out of them when captured.

On the 26th instant I examined fifteen salted fur-seal skins ex-schooner *Rose Sparks* from the North Pacific Ocean, and found the same to be fresh skins taken off the animal within two months. They were killed in the North Pacific, and that they are of the skins known as the Northwest Coast seals, and belonged to the herd which have their rookery on the Pribilof Islands.

The lot contained 2 skins of the fur-seal (matured); 2 skins of the fur-seal gray pup under one year of age (sex doubtful); 11 skins of the fur-seal cow (matured). And from the shape of the latter most all of these cows must have been heavy with pup, and some cut out of them when captured.

As a result of the work I have performed for so many years I am able to distinguish, without difficulty, the skin of a female seal from that of a male seal. There are *John J. Phelan, p. 519.* generally several ways in which I can tell them apart. One of the surest ways consists in seeing whether any teats can be found. On a female skin above the age of 2 years teats can practically always be discovered: when the animal is over 3 years old, even a person who is not an expert at handling skins can discover two prominent ones on each side of almost every skin. This is because after the age of 3, and often even after 2, almost all females have been in pup. There are also teats on a male skin, but they are only very slightly developed. When the fur is matted, as it is in salted fur-seal skins, the male teats can not be found, but the female teats of skins more than 2 years old can be found under all circumstances.

I have been able to test all my observations as to the teats on salted fur-seal skins by following these skins through the various processes which I have described. During these processes the skins become thinner and thinner, and the teats more and more noticeable, and at an early stage in the dressing they must be wholly removed. There are other ways of distinguishing the skins of the two sexes. I will state a few of them.

A female seal has a narrower head than a male seal. By the word "head" I mean here to include the part of the body from the head down to the middle of the back. I believe all men who have handled the skins of both sexes have noticed this point.

Then, again, when the whiskers have not been cut off they generally afford a safe means of distinguishing the sexes. Male whiskers are much more brittle and of a darker color than those of the female animal. When the male seal is over 6 years old it begins to have a mane, and for this reason it is after that age called a wig.

Finally, it is generally possible for me to tell the skins of the two sexes apart by just taking a look at them or feeling them. I suppose I can do this because I have been at the business so long that I am an expert in it.

The chief classes of seal-skins that I have handled are the Alaska,

the Northwest coast, and the Copper Island skins. I can always distinguish the skins of these classes. The Northwest coast skins are most easily told by the very great proportion of females contained in any given lot. Among the Alaska and Copper skins I have hardly ever seen a female skin.

I was sent to New York from Albany a few days ago by Mr. George H. Treadwell, with instructions to go through a *John J. Phelan, p. 520.* certain lot of seal-skins, which I understand he had recently bought in Victoria, and to find out how many of these skins were taken from female animals. I have spent four days in doing this, working about seven hours a day.

There were several men who unpacked the skins and laid them before me, so that all of my time was spent in examining the individual skins. The lot contained 3,550 skins. I found that, with the possible exception of two dried ones, they were taken from animals this year; they were a part of what is known as the spring catch. I know this to be the case by the fresh appearance of the blubber and of the skin as a whole. This affords a sure way of telling whether the skin has lain in salt all winter or whether it has been recently salted. I personally inspected each one of these skins by itself and kept an accurate record of the result. I divided the skins according to the three following classes: Males, females, and pups. In the class of pups I placed only the skins of animals less than 2 years of age, but without reference to sex.

I found in the lot 395 males, 2,167 females, and 983 pups. Leaving out of account the pups, the percentage of females was therefore about 82.

The great majority of what I classed as male skins were taken from animals less than 3 years of age. There was not a single wig in the lot. On the other hand, nearly all of the female skins were those of full-grown animals. On every skin which I classed among the females I found teats, with bare spots about them on the fur side. Such bare spots make it absolutely certain that these teats were those of female skins.

With regard to the pup skins, I will say that I did not undertake to determine whether they were males or females, because they had a thick coat of blubber, which, in the case of an animal less than 2 years old, makes it very hard to tell the sex.

All of the skins that I examined were either shot or speared. I did not keep a close count, but I am of the opinion that about 75 per cent of them were shot.

The result of the examination is about what I had expected it would be. The figures only confirm what I have always noticed in a general way, that nearly nine-tenths of the skins in any shipment of Northwest coast skins are those of female animals.

DESTRUCTION OF FEMALE SEALS.

TESTIMONY OF PELAGIC SEALERS.

Page 205 of The Case.

(See also *Destruction of pregnant females* and *Destruction of nursing females*.)

We cruised around in the sea till the latter part of October, when we started for home. Our entire catch for that sea-
Chas. Adair, p. 401. son was 1,270 skins. I think we got on an average about two males to ten females.

My experience in seal hunting is that a much greater number of females are taken at sea than males of the fur-seal species; and of the females, the majority are pregnant or milking cows. *Andrew Anderson, p. 218.*

Q. Do you know of what sex the seals were that you have taken in the Pacific and Bering Sea?—A. Yes; I have taken both male and female seals, but I suppose the greater per cent that I have taken would be about 90 per cent females, or even more. *Geo. Ball, p. 482.*

Q. What percentage of the skins you have taken were cows?—A. About 90 per cent, for the simple reason that the bulls are not migrative.

Most all the seals taken by me have been cows. I think cows sleep more and are more easily approached. Never killed but seven old bulls on the coast of Washington in my life, but have taken a few pups *Wilton C. Bennett, p. 356.*

Think the majority of the seals taken are cows. Never killed but two old bulls in my life. Have killed quite a number of yearling seals and some young males 2 or 3 years old. *Edward Benson, p. 277.*

We were sealing about three months and got about 400 seals, most all females. * * * *Thos. Brown (No. 1), p. 319.*

We did not enter Bering Sea, and returned to Victoria in April. Our catch was fully 80 per cent females.

Q. Do you know of what sex the seals were that you have taken in the Pacific and Bering Sea?—A. Mostly females.

Q. What percentage of the skins you have taken were cows?—A. About 80 per cent. *Daniel Claussen, p. 411.*

From my experience, observation, and conversation with seal hunters, I am of the opinion that fully 75 per cent of their catch are females.

Leander Cox, p. 417.

That to the best of his knowledge and belief about eight of every ten seals killed in pelagic sealing are females.

John Dohrn, p. 259.

I saw one schooner's catch examined at Unalaska in 1889, and there were found a large percentage of female seals among them.

M. C. Erskine, p. 422.

Of those taken probably four out of five are females.

F. F. Feeny, p. 220.

The seals taken by them [the *C. H. White* and the *Kate Manning*] were nearly all females.

George Fogel, p. 424.

Have never killed an old bull in my life, nor have I seen one the last few years.

Luke Frank, p. 294.

Q. Do you know of what sex the seals were that you have taken in the Pacific and Bering Sea?—A. The majority of them are females. Last year I killed 72, and out of the 72 there was only 3 males.
Luther T. Franklin, p. 425.

Q. What percentage of the skins you have taken were cows?—A. About 90 to 95 per cent.

Off Cape Flattery there is hardly a dozen large males taken out of every thousand large seals whose skins are called first class; all the males taken here are small ones.
Thos. Fraser, p. 365.

The next vessel I went on was the *Vanderbilt*. We did not enter the Bering Sea on that trip either. We got about 350 seals, most all females.
Wm. Frazer, p. 427.

Q. Do you know of what sex the seals were that you have taken in the Pacific and Bering Sea?—About 90 per cent of them were females.
Edward W. Funcke, p. 428.

Q. What percentage of the skins you have taken were cows?—A. About 90 per cent.

John Fyfe, p. 429. We caught about 160 seals before entering the sea. Over 100 of them were cows.

And caught 1,400 seals on that voyage. We caught some a little ways from Victoria, and on the way up to the Bering Sea, but the most of them, about 1,200, we caught in the Bering Sea. I was told by the men that they were nearly all females, and I thought so too, from the milk that I saw in their breasts when they were on the deck. I saw over a hundred little pup seals taken out of the seals, which they threw overboard.

W. P. Griffith, p. 280. To the best of his knowledge and belief about seven of every ten seals killed in pelagic sealing are females.

Females are most plentiful about the Vancouver coast from the middle of May to the end of June, very few others being secured during that period, the males having mostly gone north previously.
A. J. Gould, p. 231.

Q. What sex are the seals taken by you or usually killed by hunting vessels in the North Pacific or Bering Sea?—A. *Chas. H. Hagman, p. 435.* Mostly females. The biggest percentage, I think, are females.

Q. What percentage of them are cows?—A. I couldn't tell you.

Q. Out of a hundred seals that you would catch ordinarily, what part of them would be cows?—A. I am under oath, and I could not tell you exactly. All I can say is, the greater portion of them.

Think the seals taken by me have been about equally divided between females and males. Have taken a number of *Henry Haldane, p. 281.* yearling seals and some two and three year old males. Have never killed an old bull.

Q. Of what sex are the seals taken by you or usually killed by hunting vessels in the North Pacific and Bering Sea?—

A. Cows altogether; nothing but cows. I never *H. Harmsen*, p. 442. caught a bull in my life and I have got about 10,000 of them.

Q. Do you know of what sex the seals were that you have taken in the Pacific and Bering Sea?—A. Two-thirds of them are females.

Wm. Henson, p. 483.

Q. What percentage of the skins you have taken were cows?—A. Two-thirds, I should say.

Q. Do you know of what sex the seals were that you have taken in the Pacific and Bering Sea?—A. The seals that I have taken were principally females. *Andrew J. Hoffman*, p. 446.

Q. What percentage of the skins you have taken were cows?—A. About 95 per cent of them were cows.

Q. Of what sex are the seals taken by you or usually killed by the hunting vessels in the North Pacific or Bering Sea?—A. Females.

Gustave Isaacson, p. 440.

Q. What percentage of them are females?—A. It is very seldom that you ever get hold of a male.

Q. Of what sex are the seals taken by you or usually killed by hunting vessels in the North Pacific and Bering Sea?—

A. Females, principally.

Frank Johnson, p. 441.

Q. What percentage of them? For instance, if you kill 100 seals, how many males would you get?—A. Perhaps two. You strike a few bulls when you get further, say, towards the Aleutian Islands.

My experience has been that the sex of the seals usually killed by hunters employed on vessels under my command, both in the ocean and Bering Sea, were cows. I *Jas. Kiernan*, p. 450. should say that not less than 80 per cent of those caught each year were of that sex.

Q. Do you know of what sex the seals were that you have taken in the Pacific and Bering Sea?—A. Principally *Chas. Lutjens*, p. 458. females.

Q. What percentage of the skins you have taken were cows?—A. About 90 per cent.

We caught about 400 or 500 seals before we got to the Bering Sea. I don't know the precise number. They were bulls and females mixed in, but the general run of them *Wm. McIsaac*, p. 461. were females.

Q. Of what sex are the seals taken by you or usually killed by hunting vessels in the North Pacific or Bering Sea?—A. Principally females. *Alexander McLean*, p. 437.

Q. What would be your judgment as to the percentage? Out of a hundred that you kill, how many of them would be females?—A. Say I would bring 2,000 seals in here. I may have probably about 100 males; that is a large average.

Q. Lots of times there are not nearly as many!—A. No, sir; not near as many.

Q. Of what sex are the seals taken by you, or usually killed by hunting vessels in the North Pacific and Bering Sea?—
Daniel McLean, p. 443. A. Females.

Q. What percentage of them are cows? Suppose you catch 100 seals, how many males would you have among them?—A. About 10.

The seals killed by me were about half males and half females.
Fredk. Mason, p. 284. Have killed but one old bull in my life. I have killed quite a number of yearling seals, but never examined them as to sex.

Q. Do you know of what sex the seals were that you have taken in the Pacific and Bering Sea?—A. Mostly females.
Frank Moreau, p. 468. Q. What percentage of the skins you have taken were cows?—A. I should judge about 90 per cent.

Niles Nelson, p. 469. I can not give the exact estimate of the sex, but I know that a large portion of them are females.

We find pups in the cow seals up to the time they get to the Pribilof Islands in June, but when they come off the *Niles Nelson, p. 470.* Pribilof Islands they have bred, and are in milk for the remainder of the killing season.

In going up the coast to Unamak Pass we caught about 400 seals, mostly females with young, and put their skins on *John Olson, p. 471.* board the *Danube*, an English steamboat, at Alatck Bay, and after we got into the Bering Sea we caught 220. We had 200 at the time the lieutenant ordered us out of the sea, the remainder we caught after.

We began sealing off Cape Flattery and captured about 300 seals along the coast, most all of which were females *Charles Peterson, p. 345.* and yearlings. We did not capture over 50 males, all told, on this voyage. * * *

About 90 per cent of all the seals we captured in the water were female seals. We caught 350 seals along the coast, all of which were females excepting 20.

I can not tell you from the appearance of a seal in the water whether it is a male or female, but most all of the seals we killed in the water were females.
Adolphus Sayers, p. 473.

Showoosch, p. 243. The majority of seal killed by me have been cows; have killed a few small males.

Q. Do you know of what sex the seals were that you have taken in the Bering Sea?—A. Females.

Gustave Sundrall, p. 480. Q. What percentage of the skins you have taken were cows?—A. About 90 per cent or more.

Jno. C. Tolman, p. 222. From what I have been able to learn the majority of seals taken around Kodiak are females.

In my conversation with men engaged in seal-hunting in the open water of the North Pacific and Bering Sea, I have not been able to get sufficient information to form a reliable estimate of the average number saved out of the total number shot, nor of the percentage of females killed.

As a rule, hunters are extremely reticent about giving information on the subject to officers of the Government, but from the well-known fact that the female seal is much more easily approached than the male and sleeps more frequently on the water and is less active when carrying her young, I have no doubt that the female is the one that is being killed by the hunter.

I believe the number they secure is small as compared with the number they destroy. Were it males only that they killed the damage would be temporary, but it is mostly females that they kill in the open waters. *Daniel Webster, p. 184.*

It was freely admitted by the pelagic hunters with whom I conversed that but a very small per cent of their catch was males, and I found their statements in this respect verified by the dealers who bought or handled the skins and placed them on the market. They are known to the trade as the "Northwest Coast catch," and I am credibly informed that a portion of the skin on the belly of the female heavy with pup or giving suck to her young is worthless, and that this is one of the chief causes why they are sold so much less than prime skins in the London market. They also further stated that the two most profitable periods for them to catch seal was in the spring of the year, when the females were heavy with pup and frequently found asleep on the water, and in the summer, after the mother seal had given birth to her young and gone out into the sea to feed, at which time she was easily approached.

We shot mostly females.

Geo. Zammitt, p. 507.

I never paid any particular attention as to the exact number of or proportion of each sex killed in the Bering Sea, but I do know that the larger portion of them were females, and were mothers giving milk. *Michael White, p. 490.*

DESTRUCTION OF FEMALE SEALS.

EXAMINATION OF CATCH OF VESSELS SEIZED.

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About seven years since I was on the revenue cutter *Corwin* when she seized the sealing schooner *San Diego* in Bering Sea. On the schooner's deck were found the bodies of some twenty seals that had recently been killed. An examination of the bodies disclosed that all of them, with but a single exception, were females, and had their young inside or were giving suck to their young. *Jas. H. Douglass, p. 420.*

Out of some 500 or 600 skins on board I only found some 5 of the number that were taken from males. I have also been present at numerous other seizures of sealing vessels, some eighteen in number, and among the several thousand skins seized I found on examination that

they were almost invariably those of females. There certainly was not a larger proportion of males than five to the hundred skins. This great slaughter of mother seals certainly means a speedy destruction to seal life.

While in Unalaska in September, 1891, awaiting transportation to San Francisco, I had an opportunity to examine personally the catch of the steam sloop *Challenge*, which had been warned out of the sea, and was undergoing repairs at the harbor named. The catch amounted to 172 skins, which were all taken in Bering Sea at various distances from the seal islands, and of this number only three were those of male seals, one of these being an old bull, and the other two being younger males.

In July, 1887, I captured the poaching schooner *Angel Dolly* while she was hovering about the islands. I examined *A. W. Lavender*, p. 265. the seal-skins she had on board, and about 80 per cent were skins of females. In 1888 or 1889 I examined something like 5,000 skins at Unalaska which had been taken from schooners engaged in pelagic sealing in Bering Sea, and at least 80 to 85 per cent were skins of females.

In 1891 the schooner *J. H. Lewis* was caught near the islands by the Russian gunboat *Aleut* and found to have 416 *John Malovansky*, p. 197 (*Commander Islands*). skins on board. I made a personal examination of these skins, and found that from 90 to 95 per cent were those of female seals. I called the attention of the English commissioners, Sir George Baden-Powell and Dr. G. M. Dawson, to this fact when they visited the islands in 1891, showing them the skins. I opened a few bundles of the skins for their inspection and offered to show all of them, but they said they were satisfied without looking at any more than those already opened. I remember that a schooner from Victoria was also seized at the islands about three years ago by the Russian authorities with 33 skins on board, which were nearly all taken from female seals.

And (2) because I have personally inspected skins taken upon the three schooners *Onward*, *Caroline*, and *Thornton*, *T. F. Morgan*, p. 64. which skins taken in Bering Sea were landed in Unalaska and were then personally inspected by me in the month of May, 1887. The total number of skins so examined by me was about 2,000, and of that number at least 80 per cent were the skins of females. I have also examined the skins taken by the United States revenue cutter *Rush* from one of the North Pacific Islands, where they had been deposited by what is known as a poaching schooner and taken to Unalaska, which numbered about 400 skins, and of that 400 skins at least 80 per cent were the skins of female seals. I have also examined the skins seized from the *James Hamilton Lewis* in the year 1891, by the Russian gunboat *Aleut*, numbering 416, of which at least 90 per cent were the skins of female seals, and from my long observation of seals and seal-skins, I am able to tell the difference between the skin of a male and the skin of a female seal.

I examined the skins taken from sealing vessels seized in 1887 and *L. G. Shepard*, p. 189. 1889, over 12,000 skins, and of these at least two-thirds or three-fourths were the skins of females.

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We caught about 185 seals, mostly females in young, and we killed them while they were asleep on the water. *Chas. Adair, p. 400.*

Most of the seal killed by me have been females with pup. *Akakoo, p. 237.*

A large majority of seal taken on the coast and in Bering Sea are cows, with pup in the Pacific Ocean and with milk in Bering Sea. A few young male seal are taken in the North Pacific Ocean from 2 to 3 years old. Have never taken an old bull in the North Pacific Ocean in my life. A few yearlings have been taken by me, but not many. *Peter Anderson, p. 313.*

We sealed along the coast and captured 154; most all of them were pregnant females. *H. Andricius, p. 314.*

About 90 per cent of those saved are females, and the greater number with young. *Chas. Avery, p. 218.*

Most all seal that I have killed have been pregnant cows. Have taken a few male seals from 1 to 4 years old, I think. Have never killed an old bull. *Adam Ayonkee, p. 255.*

Q. What percentage of the cows you have taken were with pup?—
A. About 99 per cent of the cows taken were with pup; there may be one in a hundred that is either without pup or has had one. *Geo. Ball, p. 482.*

Most all the seals taken are females with pup. *Johnny Baronovitch, p. 276.*

Most of the seals taken by me have been female with pup. Never killed but one old bull in my life. I have killed a good many small bulls and a great many yearling seals, but never examined the latter as to sex. *Maurice Bates, p. 277.*

Seventy-five per cent of the seal taken on the coast are cows with pup. *Martin Benson, p. 405.*

We left Port Townsend in May and sealed south to Cape Flattery and then went north along the coast until we came to Unimak Pass, and captured from three to four hundred seals. Most all were females and had pups in them. I think fully two-thirds of all we caught were females, and a few were bulls. * * *

We secured 500 skins along the coast, most all of which were pregnant females.

I have never killed any full grown cows on the coast that did not have pups in them, and I have hunted all the way from the Columbia River to Barclay Sound. *Bowa-chup, p. 376.*

We left Victoria about May, going north, and sealed all the way to the Bering Sea. We had about sixty before entering the Bering Sea, nearly all of which were females with young pups in them.

The seal captured by us along the coast in 1890 were all gravid females. I do not know the sex of those taken by *Henry Brown*, p. 317.

Henry Brown, p. 318. Our last catch of seals on the coast were almost exclusively gravid females.

I think more than one-half the seals caught on the coast are cows that have pups in them. Cows caught in the latter part of May and June have black pups in them, which we sometimes cut out and skin.

Peter Brown, p. 377. Most all the seals that we shot and secured were females and had young pups in them, and we would sometimes skin them. * * *

Thos. Brown (No. 1), p. 319. Commenced sealing off Cape Flattery and all the seals which we caught were pregnant females.

Thos. Brown (No. 2), p. 406. We had 250 seals before entering the sea, the largest percentage of which were females, most of them having young pups in them. I saw some of the young pups taken out of them.

Landis Callapa, p. 379. On my last sealing cruise this spring we caught five seals; two of them were females and had pups in them; three of them were young and smaller seals and had black whiskers. None but full-grown cows have white whiskers, but young cows and young bulls have black whiskers. About half of all the seals captured along the coast have white whiskers, and are cows with pups in them. Most all full-grown cows that are caught have pups in them. Once, late in the season, I caught a full-grown barren cow with white whiskers.

Chas. Campbell, p. 256. Majority of seals taken are females with young. We caught a large number of pups in the early part of the season. Did not take particular notice of the sex.

Jno. C. Cantwell, p. 407. And that 75 per cent of seals shot in the North Pacific Ocean are females heavy with young.

Jas. L. Carthout, p. 400. About 85 per cent of my catch of seals along the coast of the North Pacific were females, and most all of them were cows in pup, and I used to kill most of them while asleep on the water.

Chas. Challall, p. 411. Most of the seals we killed going up the coast were females heavy with pup. I think 9 out of every 10 were females.

Not quite half of all seals caught along the coast are cows with pups in them. About half are young seals, both male and female, and the rest (a small number) are medium-sized males. We never get any old bulls worth speaking of, and we do not catch as many gray pups now as formerly. Have not caught any gray pups this year. Do not know what has become of them. Have never caught any full-grown cows without pups in them, and have never caught any cows in milk along the coast.

Most of the seals killed by me have been females with young. * * * *Simeon Chin-koo-ton, p. 256.*

The few male seals taken by me I do not know their ages. Quite a number of yearlings are taken, the majority of which are females; have taken a few bulls in my life.

Of those secured, the larger part by far were females, and the majority of these were pregnant cows. *Julius Christiaeson, p. 219.*

Most of the seals taken by me have been females with young. A few male seals have been taken by me, their ages ranging from one to five years old. Killed three large bulls during my life. *Peter Church, p. 257.*

A great many years ago we used to catch about one-half cows and one-half young seals. I never caught any seals along the coast that had given birth to their young and that had milk in their breasts. I never captured any barren cows. * * * And we secured ten seals in all, five of which had pups in them. I know this because I saw the pups when we cut the carcasses open. * * * The other five seals were smaller and probably male and female.

When sealing along the coast it is seldom that I have seen or captured an old bull. I have caught quite a large number of gray pups or yearlings, and they are about equally male and female. About one-half of all seals that I have caught in the strait or on the coast were full-grown cows with pups in them, and I have never caught a full-grown barren cow, nor one that had given birth to her young, and was in milk.

About half the seals killed by me have been cows with pup. I never shot but two old bulls in my life. Have shot a few yearling seals. The young male seals I have killed were between two and three years old, I think.

The seals we catch along the coast are nearly all pregnant females. It is seldom we capture an old bull, and what males we get are usually young ones. I have frequently seen cow seals cut open and the unborn pups cut out of them and they would live for several days. This is a frequent occurrence.

Daniel Claussen, p. 411. Q. What percentage of the cows you have taken were with pup?—A. About 70 per cent.

Peter Collins, p. 413. Fully three-fourths of the seals shot in the North Pacific were females with young.

We sailed up along the coast toward Bering Sea and captured five seals, all being gravid females. I noticed these *Louis Culler, p. 321.* seals particularly, because there were but few of them. I kept a memorandum of the transactions of the voyage, and noted in my book the number of seals taken and their sex.

Majority of seals taken are cows with pup. Once in a while we take an old bull. A few yearlings are taken also. *Charlie Dahlin, p. 278.*

From 75 per cent to 80 per cent of all the seals taken were mothers in young, and when cut open on deck we found *Jas. Dalgarduo, p. 364.* the young within them.

John Dalton, p. 417. We had between 100 and 300 seals before entering the sea. Most all them were females with pups in them.

Of the seals that were caught off the coast fully 90 out of every 100 had young pups in them. The boats would bring *Alfred Dardean, p. 322.* the seals killed on board the vessel and we would take the young pups out and skin them. If the pup is a good, nice one, we would skin it and keep it for ourselves. I had eight such skins myself. Four out of five, if caught in May or June, would be alive when we cut them out of the mothers. One of them we kept for pretty near three weeks alive on deck by feeding it on condensed milk. One of the men finally killed it because it cried so pitifully.

In all of my experience in sealing on this coast I have killed but one cow seal that had milk in her breast, and that had *Frank Davis, p. 383.* given birth to her pup. I do not know what became of the pup. I have killed a very few barren cows along the coast. Nearly all of the full-grown cows along the coast have pups in them.

Most of the seals caught on the coast are females with pups in them, the balance are mostly young seals, both male and female. *Jeff Davis, p. 384.*

We sealed from San Francisco to Queen Charlotte Island, and caught between 500 and 600 seals, nearly all females *Joseph Dennis, p. 418.* heavy with young. I have seen a live young pup taken out of its mother and kept alive for three or four days. We sealed from 10 to 120 miles off the coast.

A large proportion of all seals taken are females with pup. A very few yearlings are taken. Never examine them as to sex. But very few old bulls are taken, but five being taken out of a total of 900 seals taken by my schooner. *George Diskow, p. 323.*

We left Victoria the latter end of January, and went south to Cape Blanco, sealing around there two or three months, when we started north to the Bering Sea, sealing *Richard Dolan, p. 418.* all the way up. We had between 200 and 300 seals before entering the sea, a great many of them being females with pups in them.

My information and observation is that a very large proportion of those killed along the coast and at sea from Oregon to the Aleutian Islands are female seals with *Jas. H. Douglass, p. 420.* pups; I think not less than 95 per cent.

The Indians left their homes in March and remained away until May. Their hunting lodges were on some small islands outside of Dundas Island. From what they tell *Wm. Duncan, p. 279.* me the majority of seals taken by them have been females with young.

I have caught 9 seals this year 5 of which had pups in them; the small ones did not have pups *Ellabush, p. 385.* in them. * * *

In the months of January and February the pups in the cows are so small that you will not notice them unless you cut the belly open. All full-grown cows that I have killed along the coast had pups in them, and have never killed but one that had given birth to their young and were in milk, and have no recollection of having killed a barren cow. The younger ones do not have pups in them, and are about one-half male and one-half female.

We went north to the Bering Sea, sealing all the way up, and got 110 seals before entering the sea. Most of them were cows, nearly all of which had pups in them. *Geo. Fairchild, p. 423.* We took some of the pups alive out of the bodies of the females.

Most all of the females taken are with young, or *F. F. Feeny, p. 220.* mothers.

There were cow seals with pup among the seals that I have taken, but I don't know how many. I have never taken *Chief Frank, p. 280.* an old bull in my life.

I think the seals taken by me are about half females with pup, and the rest are one and two year old males and yearlings; never examined the yearlings as to sex. *Luke Frank, p. 294.*

Q. What percentage of the cows you have taken were with pup?—A. All that are killed in the Pacific are with pup, and those that are killed in the Bering Sea *Luther T. Franklin, p. 425.* have been delivered of pups on the islands and are with milk.

Q. In your experience, while you were hunting seals, nearly all the seals that you killed were cows and nearly all had pups?—A. Nearly all the cows that were *Luther T. Franklin, p. 426.* killed in the Pacific were with pup, and conse-

quently the pups were all killed. As I said before, out of 72 seals that I killed, there were only 3 males.

Edward W. Funcke, p. 428. Q. What percentage of the cows you have taken were with pup?—A. About 60 per cent were with pup.

Most all the seals taken by me were females with pup. Most of the seals killed in Bering Sea have been cows with milk. Have never taken a bull seal off the coast of Washington, but have taken a few further north. A few young males are taken off the coast of Washington.

I did not pay much attention to the sex of seals we killed in the North Pacific, but know that a great many of *Thos. Gibeon, p. 432.* them were cows that had pups in them, and we killed most of them while they were asleep on the water.

Most of the seals killed are cows with pup. A few males are killed averaging from 1 to 4 years old. Have killed but *Jas. Gondowen, p. 259.* one old bull in my life. A few yearlings are taken, the majority of which are females.

Nicoll Gregoroff et al., p. 234. Very few females taken in this region but are pregnant.

We captured 63 seals, all of which were females, and all were pregnant. With regard to pregnancy, I may note *E. M. Greenleaf, p. 324.* that the seals taken off the coast of Vancouver Island were not so far advanced as those taken farther north. * * *

I am acquainted with the hunters and masters who sail from this port, and board all incoming and outgoing vessels of that class. These men all acknowledge that nearly all the seals taken off the Pacific coast are females, and that they are nearly all with young.

We began sealing off the northern coast of California and followed the sealing herd northward, capturing about 700 *Arthur Griffin, p. 325.* seals in the North Pacific Ocean, two-thirds of which were females with pup; the balance were young seals, both male and female. We captured between 900 and 1,000 on the coast, most all of which were females with pups.

About nine out of ten seal killed in a season are females with pup. *Jas. Griffin, p. 433.* But a very few males were taken, their ages ranging from 1 to 4 years. But one old bull was taken in the season.

The catch was mostly females. Those we got *Jos. Grymes, p. 434.* in the North Pacific were females in pup, and those taken in the Bering Sea were cows giving milk.

Of the skins taken in this region fully nine-tenths are pregnant and milking females, but I never saw a young pup in the water. Large bulls were never taken, their skins being practically valueless.

Q. What percentage of the cows are taken with pup?—A. All the large ones have—all the grown females have. *Chas. H. Hagman, p. 435.* Very seldom you find a barren one.

A large majority of seals taken are females with young. Only two old bulls were taken by me last year out of the 100 seals taken. But very few yearlings are taken. Paid no attention to sex. A few male seals are taken between two and four years old, I think. *Martin Hannon, p. 445.*

Q. What percentage of the cows taken are with pups?—A. You can safely say about four-fifths of them. You get *H. Harmsen, p. 442.* about 800 out of 1,000 seals.

We commenced sealing right off the coast; went as far south as the California coast and then hunted north to the west coast of Vancouver Islands; caught 500 skins during the season; almost all of them were pregnant females; out of a hundred seals taken about 90 per cent would be females with young pups in them. *Jas. Harrison, p. 328.*

I am told the white hunter kills mostly cow seal with pup. *Sam Hayikahla, p. 240.*

I have often conversed with masters, seamen, and hunters engaged in hunting the fur-seals, and their statements to me have always been that the capture of a male seal was a rarity; that nearly all of their catch were cow seals heavy with young, or those who had given birth to their young on the islands, and gone out to the fishing bank to feed, and that they lose a large proportion of those killed and wounded. *J. M. Hays, p. 27.*

Q. What percentage of the cows you have taken were with pup?—A. At least 60 per cent were with pup. *Wm. Henson, p. 483.*

Of the seals secured in a season fully 70 per cent are females, and of these more than 60 per cent are pregnant and milking cows. The males taken are about equally divided in numbers between yearlings and bachelors from the ages of 2 to 5 years; bulls are seldom shot. *Norman Hodgson, p. 367.*

Q. What percentage of the cows you have taken were with pup?—A. About the same amount [about 95 per cent] were with pup. *And. J. Hoffman, p. 446.*

Most all seals taken are females with young. * * * A few male seal are taken. I would say they are generally 3 or 4 years old. A few yearlings are killed, mostly females. About five bull seal are killed out of every hundred taken. *E. Hofstad, p. 260.*

About one-half of those caught along the coast were full-grown cows with pups in them; a few were medium-sized males, and the rest were younger seals of both sexes. I have never caught a full-grown cow in the straits or along the coast that did not have a pup in her. *Alfred Irving, p. 386.*

Q. What percentage of the cows taken are with pup?—A. In the early part of the season, up to June, all the full-grown cows are with pup.
Gustave Isaacson, p. 440.

Q. Did you ever kill any cows whose young were born, and were giving milk?—A. That I don't remember taking notice of. I can not answer that question.

I have hunted seals in the Straits of San Juan de Fuca, forty or fifty miles off Cape Flattery, until about seven years ago; since then I have frequently gone as far south as the Columbia River and to the northward to the far end of Vancouver Island, and fully one-half of the seals we catch are cows with young in them. I have been out sealing once this year and we captured three seals, one of which, in dividing them up, became mine. The one I got was a full-grown cow with a pup in it. In the months of January and February the pups in the cows are so small that one will not notice whether the cow is pregnant or not unless he cuts her open, but later on in the season it may be observed without cutting them open.

The female seals go through the passes from the Pacific Ocean into Bering Sea between June 25th and July 15th.
Victor Jacobson, p. 328. Females killed previous to this time I found with pups, but none with pups after that latter date.

We began to seal when about 20 miles off Cape Flattery. We worked toward the northwest and captured between 60 and 100 seals on the coast, about two-thirds of which were females, with pup; the balance were yearlings consisting of male and female; after which we ran into Barclay Sound for supplies, from which place we worked to the northward toward the Bering Sea. We captured about 80 seals while en route to the sea; about two-thirds of these were females, with pup, the balance being yearlings about one-half male and one-half female.

We began sealing off Barclay Sound and caught three skins only, all of which were females with pup. * * *

In hunting along the coast, I think about 80 per cent of those we caught were females, and most of them were carrying their young. We seldom caught any old bulls but caught a few of the younger males. I have seen the unborn young cut out of the mother seal and live for a week without food. We used to skin some, but threw most of them overboard.

Q. What percentage of the cows that you kill are with pup?—A. That is pretty hard for me to estimate. Many times you strike young seals without pup.
Frank Johnson, p. 441.

Q. The adult females are all with pup?—A. Yes, sir; I have found a good many old ones that are too old to have pups, extra big size seals.

A large majority of the seal taken on the coast are cows with pup. A few young males are taken, the ages ranging from 1 to 5 years. Once in a while an old bull is taken in the North Pacific Ocean.
J. Johnson, p. 331.

Most of the seals taken are females with pup. *Jack Johnson, p. 282.*
Once in a while an old bull is killed.

Have been out this season, and caught 13 seals around Cape Flattery, seven of which had pups in them, the balance being young seals, about one-half each of male and female. * * *

In all of my experience as a seal hunter I have captured but one or two old bulls.

A large proportion of seals killed by me were cows with pup. Have killed a very few old bulls and some yearlings.

Most of the seal I have taken have been pregnant cows. But a very few young male seal are taken by me along the coast. *P. Kakiktday, p. 261.*

The majority of seal are cows with pup. A few males are taken, about four or five years old. *Philip Kashavaroff, p. 262.*

About 50 per cent of the seals taken are cows with pup. Have killed a few old bulls, and have taken a few yearlings every season. *King Kaekwa, p. 295.*

About half of the seals killed are females with pup. Have killed some yearling seals, but never killed an old bull. The young males I killed were between two and three years old. *Jim Kasook, p. 296.*

We caught somewhere about 500 seals before entering the sea, of all kinds. There were a good many females among them; there was a good many more of them than males, but the exact number I do not know. The old females had young pups in them. I saw them taken out, and a good many of them skinned. *Jas. Kean, p. 448.*

We sailed from Victoria, British Columbia, and bore due north to the Bering Sea. When we arrived there we had some seventy-five to eighty seals, the greater part of which were females, some of which had pups in them. *Jas. Kennedy, p. 449.*

Most of the seals taken by me were females with pup; have taken a few male seal from one to four years old. A very few yearlings have been killed by me, mostly females. *Mike Kethusduck, p. 262.*

Those taken in the Bering Sea were nearly all mother seals in milk, that had left their young and were in search of food. *Jas. Kiernan, p. 450.*

The majority of seals taken by me were females with pup. Have taken some yearling seals, but never examined them as to sex. Have killed one or two old bulls in my life. The males I have killed have been one and two years old, I think. *Robert Kooko, p. 296.*

Most all seal killed by me have been cows with pups. * * * *
John Kowinest, p. 264. Have not killed a bull seal for three years. I
 have taken a few yearlings, mostly females.

Olaf Kvam, p. 236. All the seals which I have seen killed were fe-
 males, and the majority of these were pregnant
 cows.

George Lacheek, p. 264. Most all seals that I have taken were cows with
 pup. A few male seal have been taken by me
 from one to four years old.

And that a good many have pups in them, and that when the boats
James Laflin, p. 451. come aboard loaded with seal and they get through
 the skinning of them they would have a big pile
 of pups on deck.

I did not pay any particular attention to the sex of the seals we
Andrew Laing, p. 335. caught on the coast or in the sea any further than
 we got a number of the yearlings and 2-year-olds
 on the coast, and that I have seen young live pups
 cut out of their dead mothers and they would walk around on deck
 and bleat for three or four days, and then die of starvation.

We had a good catch, having taken 1,400 skins, more than 1,000 of
Jas. E. Lennan, p. 370. which we secured on the coast. Of the latter,
 more than 75 per cent were female pelts, and of
 these about 60 per cent were taken from pregnant
 cows.

Caleb Lindahl, p. 456. I have very often cut a seal open and found a
 live young one inside.

Of the class of seals taken I can say, from personal observation on
 board sealing vessels, as well as from knowledge
Isaac Liebes, p. 453. gained in buying and handling the skins from
 seals killed in the Pacific, that in the spring 95
 per cent of them are cows heavy with pup; 4 per cent are pups less
 than 1 year old, born the previous summer, and 1 per cent males, most
 of the latter not exceeding two or three years old.

Of all the seals captured by me, about one-half of them, I think,
 were cows with pups in them, and it is very sel-
Jas. Lighthouse, p. 389. dom that I have ever caught a full-grown cow
 that was barren or did not have a pup in her;
 nor have I, in my long experience, caught a cow that was in milk, or
 that had recently given birth to her young. I seldom ever kill an old
 bull, for there are but very few of them that mingle with the herd
 along the coast.

We sealed from there [Sannak] to the Akatan Pass and caught 75
 seals, mostly females with pup. Some of the young
Caleb Lindahl, p. 456. they had inside were quite grown.

In the year 1885, six hundred (600) fur-seals were caught during the month of March off the Farallon Islands (California). In subsequent years we have had to go farther north each year in order to secure a good spring catch. My experience has been that fully 90 per cent of all seals taken were females, and of these two thirds ($\frac{2}{3}$) were mothers in milk.

I know that a large proportion of the seals taken were mothers in pup, or mothers giving milk, but I paid no particular attention to the percentage. *Wm. H. Long, p. 457.*

On my last trip this year, when hunting seals off the cape, I caught 10 seals, 5 of which had pups in them; the rest of them were from 1 to 2 years old, part male and part female. I think that fully one-half of the seals caught along the coast are full-grown females with pups in them. We sometimes catch a few medium-sized males, the rest being younger ones, both male and female.

Q. What percentage of the cows you have taken were with pup?—A. About 70 per cent, I should say. *Chas. Lutjens, p. 458.*

We went first south as far as Cape Blanco, sealing around there for about two months, when we started north to the Bering Sea. We were sealing all the way up and succeeded in capturing 138 seals before entering the Bering Sea. The majority of those were cows, the largest portion of which had pups in them. I know that from the fact of seeing them taken out and thrown overboard.

Most of the seals taken were females with pup. A few male seal were killed, ages ranging from 1 to 5 years. One old bull was taken. *Geo. McAlpine, p. 266.*

Most of the seals taken by me have been females with pup. The female seals are easier killed than the male, and we aim to get them. A few yearlings have been killed by me, mostly females. *J. D. McDonald, p. 266.*

Several of the females that we caught in the ocean were in pup, but the pup taken out of the belly was of no use for anything, and we would throw it overboard. *Wm. McIsaac, p. 461.*

About all the seal taken are females with young. Very few young male seal are seen on the coast. A few yearlings are caught, mostly females. *Jas. McKeen, p. 267.*

We had 300 or 400 seals altogether before entering the Bering Sea; they were most all females, which had young pups in them. *Wm. McLaughlin, p. 462.*

Q. What percentage of the females taken are with pup?—A. That depends on the season you are killing them in. When they are getting heavy in pup in the latter part of the season, the 1st of June, when you

take a seal then you take two for one. You take the pup with them. That is, when it is a female. This is before we go into the sea. I have been into the sea for several years. For the last two years I have not gone in there—that is, while this restriction act has been put on. I have not interfered with the business.

Q. Your experience is that all of the adult females that you shoot during the forepart of the season up to July are with pup?—A. You may take it all the way from April, May, and June; from April all the female seals that you kill are with pup.

Q. Up until about the 1st of July?—A. Yes, sir.

Q. Until they go into the Bering Sea?—A. Yes, sir.

Q. What percentage of the cows taken are with pup?—A. The *Daniel McLean*, p. 444. females are mostly all with pup—that is, up until the 1st of July.

We came down each year to the coast of Oregon, then went along up the coast to the Bering Sea. I do not recollect the exact number of seals we caught in 1888, Thomas Madden, p. 462. 1889, and 1890, but last year we caught about 150 along the coast. I did not pay much attention to the sex of the seals, but I seen lots of little pups taken out of them.

We sailed up the coast and caught a few seals, until we got to the Bering Sea. We caught 1,100 seals, nearly all of which James Maloy, p. 463. were caught in the Bering Sea. We caught them around St. George Island. I think out of the 1,100 we caught there were 600 females. Out of that 600 there were over 400 that had pups inside of them, and we threw them all overboard.

Most of the seals taken by me have been females Edward Maitland, p. 284. with pup. I have never taken a big bull in my life. Have killed small bulls and some yearlings.

About half of the seals killed by me, I think, were cows with pup. Have never killed an old bull, but have killed a Charles Martin, p. 297. few yearlings in my life. Never examined the latter as to sex.

Patrick Maroney, p. 464. The biggest part of my year's catch off the coast were females with pups in them.

We sailed from Victoria on the 8th of April, and sealed along the coast up to Akutan Pass. We caught about 300 seals in that vicinity. Henry Mason, p. 464. Mostly all were females and a great many of them had pups in them. We cut the seals open and saw the young inside.

In 1890 I went sealing in the schooner *Argonaut*. She sailed from Victoria about the 8th of April, and sealed along Henry Mason, p. 465. the coast up to the pass in Bering Sea. We caught about 350 seals that year.

Most of the seals we caught in the North Pacific were females. A good many of them also had pups inside.

I noticed in the seals that we caught along the coast that a great many of them were females and had pups. I think most of them were females. I know that *William Mason*, p. 466, in my boat the catch was most all females and they had pups in them. They were usually shot when sleeping on the water.

We caught over 1,000 seals off the coast, almost all females, and a great number of them had young pups in them. * * *

Entered Bering Sea in July and was chased out by the cutters. Did not catch any seals in the *Thorval Mathasan*, p. 339.

American waters in the Bering Sea, but went over across on the Russian side and sealed there. The whole catch for that year was about 1,500 seals. Those that we killed on the Russian side was about in the same proportion as to females as those killed on this side.

A large majority of the seals killed in the North Pacific are cows with pup, and in Bering Sea, cows with milk. Few yearlings are killed every year by me. Of the male seals killed a majority are 4-year-olds. I have killed but a few old bulls.

Q. What percentage of the cows you have taken were with pup?—A. About 75 per cent were with pup. *Frank Moreau*, p. 468.

Most all the seals killed by me have been females with pup. *Amos Mill*, p. 285.

We began sealing off Cape Flattery; sailed and sealed to the northward, and captured about 800 seals along the coast. There were not over ten males in the whole lot. The females had pups in them and we cut them out of their mothers and threw them overboard into the ocean. *Jno. Morris*, p. 340.

* * * * * and captured about 400 seals while I was on her. They were all females with pup, excepting the yearlings, which were about one-half male and one-half female. * * * And captured about 750 skins along the coast. All the seals captured were pregnant females except the yearlings. * * * We began sealing off Cape Flattery and caught about 20 seals, all of which were pregnant females.

Most of the seals taken by me have been cows with pup. *Matthew Morris*, p. 286.

About half of all seals caught along the coast are cows with pups in them; a few medium-sized males are also taken, and the rest are young seals of both sexes. We scarcely ever see an old bull seal, nor can we tell the sex of the seals in the water. I have never caught any full-grown cows along the coast that did not have pups in them. *Moses*, p. 310.

About half the seals taken by me are cows with pup. I have taken a few old bulls in my life, but not many. Have taken quite a number of yearlings. The male seals taken are between two and three years.

Nash-ton, p. 298.

I think about half the seals killed by me are females with pup. I think there are a few more males killed in April than females, but in May there are more females killed.

Smith Natch, p. 298.

About one-half of the seal I have taken were females with pup. Have taken a very few yearlings. Once in a while I take an old bull, but not often. The male seals that I have killed are two and three years old, I think.

Dan Nathlan, p. 288.

Think about half of the seals taken by me have been cows with pup; the rest are yearlings and young males two and three years old. Have never seen an old bull in my life.

Joe. Neishkaik, p. 289.

Almost every female that has arrived at the age of maturity is pregnant. We follow them on from there into the Bering Sea, and almost all of the females taken are pregnant.

Niles Nelson, p. 470.

I think about half the seals taken by me are females with pup. Have never taken but a few old bulls in my life.

Nikla-ah, p. 288.

Have taken a good many yearlings, but never examined them as to sex.

We sailed south as far as Blanco, sealing around there for two or three months, when we headed north into the Bering Sea, having caught 250 or 300 seals before entering the sea, of which 60 per cent of them were females, mostly all of them having pups in them.

John O'Brien, p. 470.

In the beginning of the season we killed mostly yearling seals, but as the season advanced we got almost all mothers in young in the vicinity of Cape Flattery or from the Columbia River to Vancouver.

Nelson T. Oliver, p. 372.

The catch along the coast for the last six or seven years, since the rifle and shotgun have come into use, is principally females and the grown ones have pups in them. The catch of young seals is much less in proportion to the number caught than they were when Indians used to take them by spearing.

Wm. Parker, p. 344.

We began sealing off Cape Flattery and sealed right up towards the Bering Sea, capturing 16 seals along the coast, all of which were females with pup. We captured 250 female seals with pup on the coast and then returned to Victoria, after which we sailed again in a short time on the same vessel with the same crew for the North Pacific Ocean and Bering Sea, capturing about 250 female seals while en route to the Bering Sea, also a few male yearlings.

Chas. Peterson, p. 345.

My experience in four years sealing is that nearly all the seals taken along the coast are pregnant females, and it is seldom that one of them is caught that has not a young pup in her. *Edwin P. Porter, p. 347.*

I have been out sealing this year and caught 16 seals; 5 of them were full-grown cows that had pups in them. The rest were young seals about 2 years old, both male and female, excepting one, and that was a gray pup. *Wilson Parker, p. 392.*

In the trip just made off this coast, I have taken eighty-one seals, of which three were bulls, three were bachelors, two were yearlings, about fifty were females pregnant, rest females barren. This is a fair average. *W. Roberts, p. 241.*

Most of the seals taken by me have been cows with pups. *Rondtus, p. 242.*

The majority of seals taken by me have been females with pup. Once in a great while I catch an old bull. A few yearlings have been taken and the majority of males are two and three year olds. *Abel Ryan, p. 299.*

Of the females taken in the Pacific Ocean, and early in the season in Bering Sea, nearly all are heavy with young, and the death of the female necessarily causes the death of the unborn pup seal; in fact, I have seen on nearly every vessel seized the pelts of unborn pups, which had been taken from their mothers. *L. G. Shepard, p. 189.*

While cruising along the coast our principal catch was female seals with pup, the balance being principally yearlings, about half male and female. *Wm. Short, p. 348.*

The majority taken are females with pup. Once in a while an old bull is taken, but very seldom. A few small yearlings are taken, but not many. *Jack Shucky, p. 289.*

We had 315 skins when we arrived here. Mostly all of them were females heavy with pup asleep on the water, and we killed them with shotguns. *Peter Simes, p. 476.*

Most of the seal taken by me were cows with pup. *Aaron Simson, p. 290.*

The last three years about half the seals I have killed were females with pup. A few male seals and yearlings have been killed by me. Have killed but four large bulls in the last four years. *Martin Singay, p. 268.*

From personal observation, as well as from the most reliable information, it is quite certain that there has been taken by the Indians of Vancouver Islands and Washington Territory during the last spring about 5,000 fur-seals, and almost inevitably each animal was with young, so

that in taking the number of adults above mentioned there were actually destroyed near 10,000 seals.

Jack Sika, p. 268. Most of the seals taken are cows with young.

* * * * *

A few male seals are taken, their ages being from one to four years. A few yearlings are taken. A very few old bulls have ever been taken by me; the last three or four years have taken but three old bulls.

Most of the seals taken by me are females with pup. Never killed but one old bull in my life. Have killed but a few yearlings and never looked to see if they were male or female. The young males killed by me were between one and three years old.

Thomas Skowl, p. 300. *Geo. Skulka, p. 290.* I think three females with pup out of every ten killed. I kill lots of yearling seals, but never examined them as to sex. Never shoot any old bulls, although I have seen a good many.

We sailed from here on the *Flying Mist* on the 17th day of April, 1871, and caught altogether on that voyage about *Jas. Sloan, p. 477.* 875 seals, of which a large majority were either females with pups or with their breasts full of milk. I saw it flowing on the deck when we were skinning them. * * *

Went to the Okhotsk Sea and sealed there about two months. We got there some 500 seals, of which more than one-half were females, and the most of them had pups in them.

I am informed by our London sales agent, and believe, that nearly or quite nine-tenths of the Victoria catch is comprised of females.

Leon Sloss, p. 92. *Fred Smith, p. 349.* A very large majority of the seal taken in the North Pacific Ocean are cows with pup.

Most of the seals taken are females with young. Very few males are taken on the coast. I have taken 600 seals in *Wm. H. Smith, p. 478.* one season and only 3 male seals were among them. A few yearlings are taken, mostly females.

We left San Francisco in February, and fished all the way up to Kadiak Island. We caught about 475 seals and *E. W. Soron, p. 479.* about 40 otters. To the best of my judgment the greatest portion of these were cows heavy with young. We could see the milk running out of their teats when they were skinned. I saw pups inside of the seals that we cut, and we saved some of them and fed them.

Cyrus Stephens, p. 479. We left here with the *City of San Diego* in February of 1888 and arrived in the Bering Sea in June, 1888. As soon as we got into the ocean we commenced shooting seals and continued shooting all the way up to the Aleutian Islands. The seals became more plentiful as we were going north. We caught about 650 seals during that voyage. We

killed a portion of them in the Bering Sea. We killed one large bull that I recollect, and the rest were nearly all females with pup or mothers giving milk.

Most of the seals taken are females with pup. Out of 111 seals last year I killed but 3 bulls. A very few yearlings have been taken by me. A few male seal have been taken by me from 2 to 4 years old. *Joshua Stickland, p. 350.*

Q. What percentage of the cows you have taken were with pup!—A. Well, I should judge about two-thirds, anyhow. *Gustave Sundvall, p. 480.*

We commenced sealing as soon as we got outside of the cape, and captured about 270 seals along up the coast. Most of the seals caught were pregnant females, and when we would skin them the milk would run out of them on the deck. We began sealing off the Columbia River, and then sealed northward up the coast to Bering Sea, and captured about 320 seals in the North Pacific Ocean, most all females, and nearly all had young pups in them.

Most of the seal taken by me were cows with pup. * * * *M. Thlakahdaynahke, p. 269.*

A few male seal have been taken, from 1 to 4 years old. But very few old bulls have ever been taken by me. Have killed a few yearlings every year.

The catch that season along the coast was 90 per cent females, and the greater proportion of them were females in pup. * * * In 1891 I went out in the schooner *C. H. White.* Adolph W. Thompson, We left here about the 5th of February, and sealed along the coast and did not enter the Bering Sea that season. We caught about 438 seals, and a large proportion of them were females with young ones in them.

Most of the seals taken on this coast are cows with young. * * * Quite a large number of yearlings are taken, most of which are females. *Charlie Tlakatan, p. 270.*

The seals taken by me have been females mostly with pup. Have never killed a bull in my life. A few yearlings are taken, all of which are females. *Peter Trearsheit, p. 271.*

Among the Indian crews of the Vancouver Island sealing vessels, I have seen the skins of unborn pup seal; being of no commercial value, the crews were allowed to keep them. These unborn pups have been taken from female seals killed while coming up the west coast of North America.

About half the seals caught along the coast are cows that have white whiskers and have pups in them. A good many young males and females, from 1 to 2 years old are captured. They all have black whiskers. I have never killed any old bulls along the coast, but have killed a very few large cows late in the season that were barren. *John Tyssum, p. 394.*

Most of the seal taken by me have been females with pup. A few male seal have been taken by me, ages ranging Jas. Unatajim, p. 271. from 1 to 4 years old, I should think. Some yearlings have been taken, a majority of which were females also. Very few old bulls have been killed by me.

Most of the seals taken have been cows with pup. I have taken but a very few old bulls. I have killed plenty of Geo. Usher, p. 291. young males, and have taken quite a number of yearlings, but never examined them as to sex.

Rudolph Walton, p. 272. The majority of seal taken are cows. A few yearlings are killed, mostly females.

Most all seals taken are females with young.

Charlie Wank, p. 273.

* * * * * What few male seals are taken are 1, 2, 3, and 4 years old. Quite a number of yearlings are taken, mostly females.

In purchasing fur-seals from hunters I have noticed that not less than 75 per cent of the catch taken previous to M. L. Washburn, p. 489. May 25 are female seals; and from the development of the teat on the skin were evidently females with pup. After that the catch is mostly young seals; and I paid most attention to the sex.

Most of the seals captured along the coast are cows with pups in them. I have never captured any cows in milk or Watkins, p. 395. that had given birth to their young that year on coast, and I do not recollect of ever having caught an old bull.

Out of 60 seal taken so far this season 46 are females with pup and 14 were males. Only 1 yearling seal has P. S. Weittenhiller, p. 274. been taken this season. Only 1 old bull was taken this season among the males. I should think the male seal taken this year were between 2 and 3 years old.

While out hunting this year we caught sixteen seals; one-half of them were cows with pup, the remainder were Charley White, p. 395. yearlings and two years old, of both sexes.

In my captures off the coast between here and Sitka 90 per cent of my catch were females, but off the coast of Una-Michael White, p. 490. mack Pass there was a somewhat smaller percentage of females, and nearly all the females were cows heavy with pup, and, in some instances, the period of gestation was so near at hand that I have frequently taken the live pup from the mother's womb.

I think about one-half the seal killed by me have been females with pup and the balance were divided up be-Billy Williams, p. 300. tween yearlings and one and two year old males. Never examined the yearlings as to sex. Have never killed an old bull in my life.

Think that most of the seals I have taken were females with pup. Have also taken some two and three year old males and some yearlings. Never killed but one old bull in my life. *Fred. Wilson, p. 301.*

Most all the seals caught by me along the coast were cows that had pups in them. I never killed a barren cow or one that was in milk. *Wiespoo, p. 397.*

Almost all seals taken are females with pup. *Michael Wooskoot, p. 275.*

Quite a large number of yearlings are taken, mostly females. During my life I have taken over 100 bull seals.

About half the seals I have killed were females with pup, and the balance were yearling seals and two and three year old males. Never killed an old bull in my life, nor have I ever seen one. *Billy Yeltacky, p. 302.*

Some years ago there were more male seals taken than are taken now; but now about one-half are females with pup. The rest are yearling seals and one and two year old males. I have never examined the yearlings to ascertain their sex. Have not killed an old bull seal for a number of years, but used to kill them. *Hastings Yetknow, p. 302.*

Quite a number of yearlings were taken. About 50 per cent of the seals taken by me have been cows with pup. Never killed but one old bull in my life and that was near Kodiak Island. Took quite a number of young males, I should think two and three year olds. *Als. Yohansen, p. 369.*

Most of the seals I have killed were females with pup. Once in a while an old bull is taken. *Paul Young, p. 292.*

Think the seals I have killed were about half males and half females with pup. The males mostly are yearlings and two and three year olds. I have seen old bulls in the water, but never killed one. *Walter Young, p. 303.*

I have been out on the Pacific Ocean this year seal hunting, and caught three seals; they were large cow seals, and had pups in them. One and two year old seals are about equally male and female. *Hish Yulla, p. 397.*

Almost one-half the seals I catch are cow seals and have little pups in them. *Hish Yulla, p. 398*

About one-third of all the cows I caught along the coast were cows with pups in them; never caught any old bulls, and used to catch more gray pups than I do now. Most all the rest of the seals I caught have been 1 and 2 years old, and are about equally male and female. *Thos. Zolnoks, p. 398.*

REASON PREGNANT FEMALES ARE TAKEN.

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Martin Benson, p. 405. I think cow seal are tamer than young male seal.

A cow seal that's heavy with pup is sluggish, and sleeps more soundly than the males, and for that reason they are more readily approached.

Henry Brown, p. 318. They are very tame after giving birth to their young and are easily approached by the hunters. When the females

Jas. L. Cartwright, p. 409. leave the islands to feed they go very fast to the fishing banks, and after they get their food they will go to sleep on the waters. That is the hunter's great chance. I think we secured more in proportion to the number killed than we did in the North Pacific.

Simeon Chin-koo-tin, p. 256. They sleep more and are less active and more easily captured.

Peter Church, p. 257. I think the female seal is less active and more easily approached.

I have noticed that the females, when at sea, are less wild and distrustful than the bachelor seals, and dive less quickly in the presence of the hunter. After feeding plentifully, or when resting after heavy weather, they appear to fall asleep upon the surface of the water. It is then they become an easy target for the hunters.

A. J. Guild, p. 231. Pregnant female seals, being heavy and stupid, and sluggish of movement, are more easily approached, and in consequence a greater proportionate number of them are secured.

E. Hofstad, p. 260. I think the females sleep more on the water and are less active and more easily taken than the male.

P. Kakikiday, p. 261. When the females are with pup they sleep more, are less active in the water, and more easily approached than the male seal.

Mike Kethusduck, p. 262. Think the female is more gentle and more easily taken.

Jno. Kowineet, p. 264. Think cows are much more plentiful on the coast; sleep more and are more easily captured than the male seal.

Geo. Laacheek, p. 264. Think cows are less active and require more sleep than the young male seal.

I am informed and believe that the reason of there being such a large proportion of females among the coast skins is because the male, which is powerful and strong, *Ceo. Liebes*, p. 511. usually swims more rapidly and at a longer distance from the coast, and are so scattered and active and hard to catch that it does not pay to hunt them. The female heavy with young easily tires, and sleeps on the water, and is easily shot while in that condition.

I have known of several expeditions that have been fitted out for the purpose of following and capturing the seals after they leave the Pribilof Islands and are making *Isaac Liebes*, p. 454. their southern course. All these expeditions have proved utter failures, which is accounted for by the fact that the female seals at that period of the year are not heavy with young as they are in the spring, nor as fat as at a later period, and the hunters can not easily get within gunshot distance of them. They are much less likely to be found asleep at this season, and traveling seals are difficult to shoot and still more difficult to take in before they sink. The hunters have an idea that the sleeping seals are buoyed up by an inflated internal air bladder. Whether this is so or not it is certain that a "sleeper" is more likely to be secured after it is shot than a "traveler."

The male seals of merchantable size do not intermingle, I believe, to any extent with the cows caught off the coast of North America. They make their northern passage separate from the others, and further off shore. As they are more constantly on the alert than the females, the sealers have met with little success in hunting them. It is only the cow, heavy with pup, which, in consequence of her condition, is less active and alert, that falls an easy prey to the hunters.

Mother seals heavy with young are much easier *William H. Long*, p. taken, for they are usually asleep on the water. 458.

Q. Why is it, in your opinion, that more female than male seals are killed by the poachers!—A. Because, first, in the *Anton Melovedoff*, p. 139. passage of the seals to the islands in the early season the females travel in groups and the males scatter; secondly, after arriving at the islands the males remain on or about the hauling grounds, while the females, having their pups to nurse, go out into the sea to obtain food.

Q. How do you tell the skin of a female from that of a male!—A. By the nipples and general appearance.

As I understand the fact to be, most of the seals killed in the open sea are females. My reasons for this conclusion are (1) that, from my knowledge of the seal, I *T. F. Morgan*, p. 84. know that the female when heavy with young, as they are during the early part of the season when on their way to the rookeries where they are delivered during the months of June and July, are much heavier in the water and much less able to escape, because they are capable of remaining under water to escape for a very much less period of time than when they are not heavy with young, or than the male seal would be.

W. Roberts, p. 241.

It is harder to take an old seal than a young one, the older ones being more on the alert and are not less active when pregnant.

Jack Slika, p. 288.

I think they are taken because they are more tame and less active and more easily approached.

Of the seals killed, from 60 to 70 per cent are females, which, during their northerly migration, are heavy with young,

Z. L. Tanner, p. 374.

slow of movement, and require an extra amount of rest and sleep, thus largely increasing their liability to successful attack.

I have been told that it is easier to catch the female seal at sea than it is to catch the male seal, but I have no personal knowledge of that point. I suppose, however, that there must be some foundation for the statement by reason of the fact that so small a proportion of male adult seals are included in what is called the Northwest catch.

The female seal has more curiosity than the male seal. We catch more seals after two or three days of rough weather, because they are tired, and when it is calm the next day they are tired and lie asleep on the water.

M. Thilkahdaynahkoo, p. 269. The cows are less active, sleep more, and are more easily captured.

Charlie Tlaksatan, p. 270. Cow seals sleep sounder on the water, and are less active and are easily captured.

James Unatajim, p. 271. I think the female is more gentle, sleeps more, and is more easily captured.

Rudolph Walton, p. 272. Cows are more easily captured because they have pups.

Charlie Wank, p. 273. They are less active, sleep more, and are easier captured.

P. S. Weittenhiller, p. 274. It is my opinion that female seal are more easily captured and appear to be more tame than the male seal, and I think sleep more.

Ninety-five per cent at least of all the female seals killed are either in pup or have left their newly-born pup on the islands, while they have gone out into the sea in search of food.

The result is the same in either case. If the mother is killed the pup on shore will linger for a few days; some say as long as two or three weeks, but will inevitably die before winter. All of the schooners prefer to hunt around the banks where the female seals are feeding to attempting to intercept the male seals on their way to and from the hauling grounds.

Aside from the greater difficulty of killing and securing the skin of

a traveling seal, and the larger proportion of loss to the schooner, during the greater part of the sealing season, and more particularly in the Bering Sea, there are few males to be found in the water.

No other evidence of this is needed than the observation of the gentlemen who spend the season on the Pribilof Islands and who all agree in reporting that the male seals remain there, while the females, as soon as they are delivered of their young, go forth in search of food. The male seal seldom sleeps in the water during the sealing season. When the northward migration begins, in March, the male seals pursue their way with all diligence to the rookeries, and arrive there about thirty days ahead of the coming of the female seals. It must be plain from this that the opportunities for slaying male seals that are traveling rapidly through the water must be far less than for killing female seals, who, making their way leisurely, feeding as they go, and resting frequently because they are heavy with pup, offer a far more extensive target to the rifle of the hunter.

The Indians with whom I conversed in British Columbia, and who had had a varied and extensive experience of sealing, not only as seal hunters for schooners, but when out in search of food, all declared, that the male seal seldom ate and never slept while on his way to the rookeries. They declared that as with the salmon when on its way to the spawning grounds, they had never found food in the stomach of the few male seals they had managed to capture.

So far as I was able to learn, the terms "sleeper" and "traveler" as applied to seals, had their origin among the Indians. They declared, and in that they are borne out by all of the white hunters, that the seal, when it is desirous of resting in the water, inflates a bladder in its body, which keeps it afloat. Whether this be so or not, makes no difference, but the fact is, that almost the only way the Indians have of killing seals is by paddling noiselessly up to the sleeping animal as it floats on the water, and spearing it.

Many of the schooners employ Indian hunters, who work much cheaper than the whites, who only use the spear, and never attempt to kill a traveling seal.

The reports of their catches show that all of their captures are females. It could not well be otherwise, for the male seals, in making their way to the rookeries, take a more northerly course, and go with all speed, while the females move towards the mouth of the Columbia, and other large fishing banks, following the runs of fish, or idly waiting until nature tells them that the period of gestation is about ended, and they then make their way to the rookeries to be delivered of their pups.

The large proportion of females killed in the North Pacific is due to the fact, as I explained before, that males pursue their way to the hauling grounds with dispatch, *T. T. Williams*, p. 495. while the females are more leisurely in their movements and take frequent rests.

They are less active, sleep more, and are more *Michael Wooskoot*, p. easily taken. 274.

DESTRUCTION OF NURSING FEMALES.

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On June 10, 1886, I left the Columbia River, proceeding to Unalaska,

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C. A. Abbey, p. 185. and thence on the 27th day of June into the Bering Sea, my destination being the Pribilof, or Seal Islands. Soon after leaving Unalaska we began to see seals in the water about the steamer. Within seven hours after leaving Unalaska I sighted the schooner *Sierra*, of and from San Francisco, with her boats out sealing, in latitude $54^{\circ} 20'$ north, longitude $166^{\circ} 35'$ west. Before I could overhaul her her boats were called in and all evidences of sealing were out of sight. There were seal-skins in her hold, but as there was no evidence that any had been taken in Bering Sea, I disarmed her, she being without a permit for use of arms and ammunition, and let her go. The next morning sighted the schooner *City of San Diego*, of San Francisco, in latitude $55^{\circ} 52'$ north, longitude $168^{\circ} 25'$ west. As she also had no permit for arms and ammunition I disarmed her.

I then called at the Pribilof Islands and cruised about them for some days without seeing any vessels of any kind. On the 3d day of July cruised northward, returning to St. Paul on the 10th; it was very difficult to find the island because of the dense fog. On the 13th went south and west. Reached Atka Island on the 15th; thence went easterly along the Aleutian Islands. On the 17th seized the schooner *San Diego*, of and from San Francisco, in latitude $54^{\circ} 4'$ north and longitude $166^{\circ} 46'$ west. She had 577 seal-skins on board, and the captain confessed to having taken seals in Bering Sea. I took her into Unalaska that night.

On the 26th of July I was again off St. Paul Island, and the agent of the Alaska Commercial Company came on board and informed me the sealing season on the island was ended, and the day before the agent at St. George Island had informed me of the same fact in relation to that island. On August 1st I seized a boat containing three men and eight dead seals. Proceeding southeasterly, seized another boat with men and several dead seals on board. Seized the schooner *Thornton*, of and from Victoria, British Columbia, in latitude $55^{\circ} 45'$ north and longitude $168^{\circ} 25'$ west. The two boats seized belonged to the *Thornton*. The same evening seized the schooner *Carolena*, of Victoria, British Columbia, in about the same locality. Half an hour later seized four boats belonging to the *Carolena* with dead seals on board. That night spoke schooner *Twilight*, sealing, but the captain stated they had taken no seals in Bering Sea, and on account of the schooners I had in tow I was unable to overhaul her.

The next morning at 4:10 sighted a schooner, evidently a sealer, but was unable to pursue her, owing to the fact of having the *Thornton* and *Carolena* in tow. At 4:40 a. m. spoke the schooner *Onward*, of Victoria, British Columbia, in latitude $55^{\circ} 10'$ north and longitude $167^{\circ} 40'$ west. The master acknowledged he had been sealing in Bering Sea. Boarding her and finding seal-skins and unskinned dead seals on board, I seized her and took her also in tow. At 7:20 a. m. sighted another schooner, but she fled, and outsailed us. At 11 a. m. sighted a schooner under shortened sail. She at once changed her course and made all sail southeast and escaped. Reached Unalaska that night. The *Thornton* had on board four rifles and six shotguns; the *Onward*, one rifle and thirteen shotguns; the *Carolena*, four rifles, one musket, and five shotguns. Altogether, the vessels I seized had over 2,000 seal-skins. My orders made no distinction as to seizing English or American vessels, and each vessel seized received the same treatment without relation to the nationality of its crew or owner.

We entered the Bering Sea through the Muckawa Pass about the 1st of July, and commenced hunting seals wherever we could find them, among which were a great many cows giving milk, which we killed from 30 to 150 miles from the islands. *Chas. Adair, p. 400.*

I have no exact information as to the proportion of male and female seals killed by pelagic hunters, but it is my firm conviction, from my knowledge of the habits of the males in not leaving the islands during the breeding season and the well-known fact that mother seals go great distances in search of food while nursing their young, that the females are slaughtered in great numbers during their journeys to and from the islands by pelagic hunters.

And when in the Bering Sea we take seals from 10 to 120 miles from the seal islands. *Wm. Bent, p. 404.*

And the larger proportion of those killed in Bering Sea are also cows. Have killed cow seal, with milk in them, 65 miles from the Pribilof Islands. * * * A few male seal are taken, ages ranging from 1 to 5 years. Once in a while we catch an old bull in the Pacific Ocean. *Martin Benson, p. 405.*

We came out of the Bering Sea the latter part of August, and had caught about 1,700 seals between the Pribilof Islands and Unalaska; we caught them from 10 to 100 or more miles off St. George Island. *Niels Bonde, p. 315.*

The seals caught along the coast after the 1st of April are mostly pregnant females, and those caught in Bering Sea were females that had given birth to their young. *Niels Bonde, p. 316.* I often noticed the milk flowing out of their breasts when being skinned, and have seen them killed more than 100 miles from the seal islands. I have seen live pups cut out of their mothers and live around on the decks for a week.

I was in the Bering Sea in 1889 on the schooner *James G. Swan*, but did not use shotguns. Most all the seals we caught were cows giving milk. *Bowa-chup, p. 376.*

We entered the Bering Sea the middle of May and captured 300 while in there. Most of these were mother seals with their breasts full of milk. *Thos. Bradley, p. 406.*

We did not capture any gravid seals in the Bering Sea. Nearly all the seals taken in Bering Sea were cows in milk. We captured a few young seals in the sea of both sexes. *Henry Brown, p. 317.*

I hunted in Bering Sea in 1889 (that being the only year I ever went to that sea) and hunted seals with spears about 70 miles southwest off the islands, and our catch was nearly all cows that had given birth to their young and had milk in their teats. *Peter Brown, p. 377.*

We entered the sea along about the 1st of May and caught between 600 and 700 seals from 30 to 150 miles off the seal islands, and four out of five were females in milk.
Thos. Brown, No. 2, p. 407.
I saw the milk running on the deck when we skinned them.

Have killed cows with milk about 60 miles off *Chas. Campbell, p. 256.* the Pribilof Islands. A few old bulls were killed by me last season.

And that 80 per cent of seals shot in Bering Sea from July 1 to September 15 are females, most of which have given birth to their young and are mostly caught while feeding at various distances from land.
John C. Cantwell, p. 407.

Chas. Challall, p. 411. At least 7 out of 8 seals caught in the Bering Sea were mothers in milk.

While in the sea I caught a great many cow seals that were giving milk. Most all the seals we caught in the sea were giving milk.
Circus Jim, p. 380.

In 1887, about the 1st of June, I went into the Bering Sea in my own schooner, the *Lottie*, and hunted about 60 miles off the islands and secured about 700 seals, most all of which were cows in milk. These cows had milk in their breasts, but had no pups in them. I returned to the Bering Sea in my own boat, the *Lottie*, in 1889, and also in 1891, and sealed all the way from 100 to 180 miles from the St. George and St. Paul islands. The catch of these two years were of about the same character as those caught in 1887, and were mostly females that had given birth to their young and were in milk.

We entered the sea through the Unimak Pass, and captured therein *Louis Culler, p. 321.* about 40 seals, most all of which had milk in their breasts.

We left Victoria in January and went south to Cape Flattery and Cape Blanco, sealing around there about two months, when we went north, sealing all the way up to the Bering Sea. * * * We entered the sea to the best of my recollection about June, and caught about 900 seals in there, two-thirds of which were mother seals with their breasts full of milk. I saw the milk flowing on the deck when we skinned them.
John Dalton, p. 417.

John Dalton, p. 418. The waters were full of them at that time. We caught them from 50 to 60 miles off the seal islands.

We only got three seals with pups in them in the Bering Sea. Most all of them were females that had given birth to *Alfred Dardean, p. 322.* their young on the islands, and the milk would run out of the teats on the deck when we would skin them. We caught female seals in milk more than 100 miles off the Pribilof Islands.

Frank Davis, p. 383. But the seals I caught in Bering Sea were most all cows in milk.

I have hunted seals in the Bering Sea for one season only. I went there in the schooner *James G. Swan* in 1889. Most of the seals that we captured there that *Jeff Davis*, p. 384. season were cows giving milk. I do not know where their pups were. I never caught any gray pups in the sea.

The proportion of female seals killed in the Bering Sea is equally large, but the destruction to seal life is much greater, owing to the fact that when a mother *James H. Douglass* p. seal is killed her sucking pup left at the rookery 420. also perishes. Impregnation having also taken place before she left the rookery in search of food, the foetus of the next year's birth is likewise destroyed.

We left San Francisco and fished up the coast until we entered the Bering Sea, in July, and sealed about the sea until we were driven off by the revenue-cutter *Corvois*. *Peter Duffy*, p. 421. From there we went to the Copper Islands. Our whole catch amounted to 900 skins, and we killed most of them with rifles. We only got about one out of eight that we shot at, and they were most all females giving milk or in pup. When we cut the hide off you could see the milk running from the breasts of the seals. The second year we got over 1,300 skins; some of them were cows with pups in them, and most all the rest were cows giving milk, and some of the latter we killed as far from the rookeries as Unimak Pass.

Mostly all the females killed has unborn pups or were cows giving milk. We did not kill any on the islands. We *William Frazer*, p. 427. never went in close enough. * * *

The next trip was on the *C. G. White*. That trip we entered the Bering Sea on the Russian side, and hunted all the coast of Japan to the Bering Sea. I do not know if we were on the American side or not. We got about 600 seals on that trip. They were nearly all females. I noticed when we skinned them that they were females in milk, as the milk would run from their breasts on to the decks.

We entered the Bering Sea about April and we got 795 in there, the largest part of which were mother seals in milk. When we were skinning them the milk would *John Fyfe*, p. 429. run on the deck.

I know that fully 75 per cent of those we caught *Thos. Gibson*, p. 432. in the Bering Sea were cows in milk.

We entered the Bering Sea on the 13th July, through the Unimak Pass, and captured between 900 and 1,000 seals therein, most of which were females in milk. *Arthur Griffin*, p. 325.

We entered the sea on July 12, through Una-mak Pass, and captured about 800 seals in those waters, about 90 per cent of which were females in milk.

My own observation and the information obtained from seal hunters convince me that fully 90 per cent of the seals found swimming in the Bering Sea during the breeding season are females in search of food, and their slaughter results in the destruction of her young by starvation. *M. A. Healy*, p. 28.

Wm. Hermann, p. 446. Nearly all the seals killed in the water before the middle of June are cows in pup, and after that, mothers giving milk.

While in Bering Sea we cruised around the Pribilof Islands in all directions, often coming within view of them, but *Norman Hodgson, p. 367.* never landing or making any attempt to do so.

The proportion of females taken to males was about 70 per cent, more than two-thirds of these being nursing cows, while the remainder were two-year-olds and yearlings. On first entering the sea an occasional pregnant cow would be taken, but this was uncommon. Of the males taken in the Bering Sea the numbers of yearlings and very young bachelors was about equal; no bulls were ever taken.

We arrived in the sea sometime in July. When we first entered Bering Sea, we went direct to St. Mathews Islands.

O. Holm, p. 368. As near as I know, seal were taken last year from 60 to 100 miles from the Pribilof Islands. Most

all the seals taken in Bering Sea were females with milk. But one old bull was taken, and two young males, but no females with pup.

And that those that I secured in the Bering Sea were nearly all females that had given birth to their young and *Alfred Irving, p. 386.* were in milk. Our vessel captured about 460 seals at a distance of about 100 miles from the Pribilof Islands, most all of which were cows in milk.

I have killed female seals with milk 200 miles from the Pribilof *Victor Jacobson, p. 328.* Islands. I think of the seals taken by me that three in five are females, and nearly all with pup.

We captured about 800 seals at a distance from the rookeries on the Pribilof Islands of from 20 miles to 200 miles; *Jas. Jamieson, p. 329.* about three-fourths of the catch in the sea was female seals in milk, the balance consisting of yearlings and male seals.

Nearly our whole catch in the Bering Sea, after the first of July each year, were females, and nearly all of them *Jas. Jamieson, p. 331.* in milk, and had evidently given birth to their young but a short time before. The milk would run out on the deck as we skinned them.

We entered the sea and caught about 1,000 in there. We sealed all over on this side of the Bering Sea, sometimes *Jas. Kean, p. 448.* being over 150 miles off the seal islands, and sometimes we were closer. I did not pay any attention to the proportion of females, but I know we skinned a great many that were giving milk, because the milk would run from their breasts onto the deck when they were being skinned. We killed mother seals in milk over 100 miles from the seal islands. We generally shoot them when they are asleep on the water. * * *

We caught between 300 and 400 seals on the coast, and 600 in the Bering Sea. We sealed on the American side of the Bering Sea around the Pribilof Islands, anywhere from 10 to 150 miles off. The capture of 1890 was about the same in proportion to sex as the year before.

We entered the Bering Sea about the latter part of July and captured 260 seals from 20 to 100 miles off the seal islands. A large proportion of them were females nursing *Jas. Kennedy, p. 449.* their young, and their teats were large and full of milk.

I have observed that those killed in the North Pacific were mostly females carrying their young, and were generally *Jas. Kiernan, p. 450.* caught while asleep on the water.

The same day after a chase of an hour, we were seized by the U. S. S. *Mohican.* The total catch of seals at the time of seizure was 48, and at least 20 were females, the *Francis R. King-Hall,* majority of which were in milk. All the seals *p. 338.* were taken from 120 to 180 miles from St. George Island.

When in Bering Sea we are usually from 50 *Andrew Laing, p. 335.* to 150 miles from Pribilof Islands.

I have killed females in milk in Unimak Pass, and even out in the Pacific Ocean, 200 miles from *E. N. Lawson, p. 221.* the land.

In Bering Sea, where we obtained about 400 skins, males and females in about equal numbers were taken. The females were mostly nursing cows, while the males were *Jas. E. Lennan, p. 370.* young ones, between the ages of 2 and 5 years.

Another fact in connection with open-sea sealing is that the great majority of seals killed are females, and that a great part of the females are pregnant, or in milk. *A. P. Loud, p. 39.* The milking females are most all killed while visiting the feeding grounds, which are distant 40 or 60 miles, or even farther from the islands. The female necessarily feeds so she can supply nourishment for her young, while the males during the summer seldom leave the islands. This accounts for the large number of females killed in Bering Sea.

When we skinned the females that we killed in Bering Sea we would find they were mothers in milk, as the milk was *Wm. McIsaac, p. 461.* running out of their teats. * * * We would catch them all the way from 100 to 300 miles off the seal islands.

We entered the sea about the middle of June and sealed around the Pribilof Islands, sealing from 5 to 10 miles and sometimes 40 miles off the islands. I do not re-*Wm. McLaughlin, p. 462.* member the number of seals that we got in the Bering Sea, but they were mostly mother seals with their breasts full of milk.

Q. Did you ever kill any seals later in the season that were giving milk?—A. Yes, sir. *Alexander McLean, p. 437.*

The following is an extract from my notebook during the nine days' hunt in Bering Sea, from August 23 to 31, in the waters about 40 to 50 miles from the entrance to *Robert H. McManus, p. Unalaska harbor, and 40 to 50 miles off Akutan 337.*

Island, Aleutian chain, or from 150 to 200 miles from the Pribilof Islands.

Sunday, August 23, wind light; misty; rain. 7:30 a. m., sighted seals to west. Second boat lowered; killed one seal in sight of vessel. First boat and canoe lowered; out all day, returning to meals. Result of day's hunt: Second boat, one seal. Seals sporting round vessel; a great many shots fired by boats.

Monday, August 24, clear weather; calmer sea. Boats and canoe out all day from 7 a. m. (returning to dinner). Result: First boat, one seal; reported having lost two. Second boat, none. Indian canoe, one seal. Total, 2 mediums; a great deal of firing heard.

Tuesday, August 25, rain in morning. Boats and canoe out at half past 9 o'clock; out all day (returning to dinner). Result: First boat, two seals reported, wounded and lost five; seals said to be shy and wary, and not so numerous as formerly; attention called to cow seal being skinned (which I had taken for a young bull). The snow white milk running down blood-stained deck was a sickening sight. Indian canoe, one seal. Total, 3 seals; 2 mediums and 1 cow.

Wednesday, August 26, cloudy morning; seals floating round schooner. Boats and canoe out all day. Result: First boat, 1 seal; second boat, none; Indian canoe, 10 seals; total, 11 seals; 8 cows in milk, and 3 medium. Skipper in first boat blamed the powder. Second boat said it was too heavy and clumsy for the work. Skipper reported having wounded and lost 7, and the men in second boat 9 ditto, 16 in all. Skipper said seals not so numerous as formerly, more shy; also blamed the powder. Evidently a great deal of shooting and very few seals to correspond.

Thursday, August 27, seals to all appearances very scarce, species being exterminated, so to judge from the skipper's remarks. Weather fine and clear. Boats and canoe out; returned at noon, consequence of rough sea. Result: First boat, 1; second boat, none; Indian canoe, 2 seals; total, 3 seals. Again in favor of Indian spear. Powder blamed again. Tired of such excuses. So far have not found one word of truth in anything I've heard previously about open sea seal-hunting.

Friday, August 28, rain and heavy sea in morning, cleared in afternoon; boats and canoe out in afternoon; returned at 6 p. m. No skins, although a great deal of shooting going on. First boat reported having wounded and lost three seals; blamed powder. Poor powder. It takes, judging from the number of shots fired, about a hundred to secure one seal.

Saturday, August 29, ship's cook brought down from deck a large cow seal at 40 yards rise. Boats and canoe out all day; fine, clear, balmy weather; Aukatan Island in sight. Result: First boat, three seals; second boat, three seals; cook from deck, one; Indian canoe, ten; total catch, seventeen seals, greater proportion cows in milk; horrid sight, could not stay the ordeal out till all were flayed. A large number reported as wounded and lost. According to appearances, slaughter indiscriminate.

Sunday, August 30, fine clear morning; hazy toward Aukatan. At 6 o'clock a cry "Here's the cruiser" to the eastward. Boats and canoe off at 7 o'clock; at 8 o'clock I could see the deck of the steamer bearing down on us about 8 miles off. Boats recalled. The Indians returned about 9 o'clock, greatly excited; went out again when the steamer sheered off towards Unalaska Harbor. Result of hunt: First boat, two seals; second boat, one; Indian canoe, seven; total, ten seals, seven of

which were cows in milk. Several, as usual, reported wounded and lost by the boats. The great superiority of the Indian spear evident.

Monday, August 31, captured by the U. S. S. *Mohican* 3:30 p. m.; no hunting.

And those we caught in the Bering Sea were *Patrick Maroney, p. 464.* mostly all females with milk in their breasts. * * *

The next season, 1890, we got on the way up between 100 and 200 seals, and then we entered the Bering Sea about the 18th or 19th of July, and I caught 90 seals, mostly all females. * * *

When we were in Bering Sea we hunted from 40 to 200 miles off the seal islands.

We caught a few seals in the Bering Sea and then were ordered out and sent back to Victoria. Those that were caught in the Bering Sea were mostly females *Henry Mason, p. 465.* and had had pups and were in milk. * * *

About two-thirds of those caught in the Bering Sea were females that had big teats and were giving milk. We could tell that when we were skinning them, because *Wm. Mason, p. 466.* cause the milk would run out on the decks.

We sealed around Unalaska, but did not go toward the Pribilof Islands. We caught 1,900 seals, all of which were captured in the sea, close to Unalaska; most all *Moses, p. 310.* of them were cows in milk; but when we first entered the sea we killed a few cows that had pups in them. * * * That year we sealed east of the island and caught about 800 seals. I do not know how far we were from the islands, for we could not see them. The seals we caught were mostly cows with milk.

I believe the majority of seals captured by white hunters in Bering Sea are females in search of food. *Morris Moss, p. 342.*

I was sealing in the Bering Sea during July, August, and September, 1885 and 1886. I was cruising in the Bering Sea around about the Pribilof Islands, and from 100 to 300 miles off. The principal portion of the cruising was between the Aleutian Islands and the Pribilof Islands. One of the principal sealing grounds is off Bogoslof.

We entered the Bering Sea the latter end of May, and caught about 700 seals in the Bering Sea, mostly all of them being females in milk. I saw the milk flowing on the deck when they were skinned. * * * I could not tell how far off we caught them from the seal islands, as I did not know the distances. At that time there were lots of seals in the water.

After entering the sea we got one female with a very large pup, which I took out alive and kept it for three or four days, when it died, as it would not eat anything. All the others had given birth to their young and their breasts were full of milk. *John Olsen, p. 471.*

We captured about 4,700 seals, most all of which were cow seals giving milk. The majority of the seals we caught in the Bering Sea were cows that had given birth to their young. We captured these at a distance of about 100 miles away from the Pribilof Islands.

* * * * *

About four years ago I went to Behring Sea as a hunter in the sealing schooner *Challenger*, Williams, master. We caught about 2,000 seals, most of which were cows in milk.

The seals taken in Bering Sea are nearly all grown. We get but very few young seals. I think we catch in Bering

Wm. Parker, p. 344.

Sea more males in proportion to females than we do on the coast. We catch a good many females

in Bering Sea that have given birth to their young on the islands and were in milk. I have caught plenty of cow seals in milk a hundred miles or more from the islands, but seldom get any that have a pup in them in those waters.

We entered the Bering Sea about the 15th of August through the Unimak Pass and captured therein 1,404 seals, *Chas. Peterson*, p. 345. most of which were cows in milk. On that voyage we caught female seals in milk over 80 miles from the rookeries, where they had left their young. * * *

I have seen the deck almost flooded with milk while we were skinning the seals. We entered the sea and secured about 10 seals, all of which were females in milk.

The seals we captured in Bering Sea were fully 80 per cent females that had given birth to their young. A fact that *Edwin P. Porter*, p. 347. I often noticed was that their teats would be full of milk when I skinned them, and I have seen them killed from 20 to 100 miles from the seal islands.

Q. How do you know that the marauders kill females principally?—

A. I know that the females, after giving birth to *J. C. Redpath*, p. 140. their young on the rookeries, frequent the open sea in search of food, whereas the males frequent the hauling grounds or waters immediately around it. At various times I have seen skins which were seized by the cutters from the poachers, and they were substantially female skins.

I have been in Bering Sea but a part of one season. Of the seals *W. Roberts*, p. 242. taken about one-third were males, one-third females with young, one-third barren and yearlings.

I have taken nursing females when as much as 100 miles from Pribilof Islands.

I estimate that the seals killed by pelagic hunters are at least 90 per cent females; this estimate is based on the great *T. F. Ryan*, p. 175. number of motherless pups I have observed on the rookeries, and also on statements made to me by many engaged in pelagic sealing whom I met and conversed with at Unalaska.

Pursuant to orders received from the Treasury Department, I sailed from San Francisco June 4, 1887, arriving at Unalaska on the 15th of that month. On the 18th I *L. G. Shepard, p. 187.* commenced cruising in Bering Sea. I hereby append to and make a part of this affidavit a table, marked A, giving the names of the vessels seized by me in Bering Sea while violating the law of the United States in relation to the taking of fur-bearing animals (all these vessels so seized were unmistakably engaged in sealing), together with the date of the seizure in each case, the nationality, rig, tonnage, hailing port, master, and managing owner of each vessel, the longitude and latitude in which each vessel was seized, the white men, Indians, and Chinamen on board at the time of seizure, the number of seal-skins and the weapons on each vessel. In the cases of the *Challenge*, *Anna Beck*, *W. P. Sayward*, *Dolphin*, *Lilly L.*, *Grace*, and *San José* the vessels were towed to Unalaska, and their sealskins and arms were taken from them, and they were sent to Sitka. The *Ellen*, *Albert*, *Adams*, *Annie*, *Alpha*, and the *Kate and Anna* were disarmed and the seal-skins taken on board the *Rush* at the time and place of seizure, and they too were sent to Sitka. All these vessels reported there, except the *Ellen* and *San José*, going to San Francisco, and the *Albert Adams*, to Victoria, British Columbia. I again sailed from San Francisco the 3d of July, 1888, and entered Bering Sea about the 16th of the same month. Owing to the large number of vessels seized in 1887, very few sealing vessels entered Bering Sea to take seals in 1888, and I made no seizures. I only saw two vessels in the sea during that season, one of which, the *Juanita*, of Victoria, British Columbia, was engaged in taking seal at the time we sighted her, which was August 5, in latitude $54^{\circ} 38''$ north, longitude $166^{\circ} 54''$ west. In 1889 I again sailed from San Francisco for Bering Sea on June 1, and arrived at Unalaska June 16. Began cruising in the sea eight days later. I hereby append to and make a part of this affidavit a table marked B, giving the names of the vessels seized by me in Bering Sea while violating the laws of the United States in relation to the taking of fur-bearing animals, together with the date of seizure, nationality, rig, tonnage, hailing port, master, managing owner, latitude and longitude in which seized, and the white men and Indians on board at the time of seizure, the number of seal-skins and weapons on each vessel seized. In nearly every case of those vessels named in Table B they had boats out engaged in sealing. All of them were ordered to go to Sitka, but none of them reported there, all going to their home ports. The *Black Diamond*, the *Minnie*, and the *Pathfinder* were each placed in charge of a special United States officer, who protested in vain against the non-compliance with the instructions given to proceed to Sitka. The *Minnie*, in spite of the officer on board, continued sailing in Bering Sea until August 17, and secured during that time 478 seal-skins.

I hereby append to and make part of this affidavit the number and names of vessels fitted out for sealing boarded and examined by me in Bering Sea or the waters of Alaska Territory during the sealing season of 1889, together with the date of such boarding, nationality of the vessel, rig, tonnage, hailing port, master, owner, latitude and longitude, white men and Indians on board, seal-skins and weapons found. The last three columns of said table are incomplete, from the fact that the officers boarding failed to get definite statements on these points. They were not seized, because evidence was wanting as to their having actually sealed in Bering Sea.

RESULTS.

TABLE A.

Date sailed. M E R I T H U S	National- ity.	Rig.	Name and official number.	Ton- nage.	Hailing port.	Master.	Managing owner.	Lat. Longi- tude (north).	RESULTS.	
									Breach-load- ing ratio.	Other arms.
1 1887	American.	Schooner	Challenge, 126339	86.61	Seattle, Wash.	H. R. Jones	Albert Douglass	Akutan Is. E4° 58' 167° 29'	14	1 ... 151 4 6
2 July 2	British ...	Steam schooner.	Anna Beck, 61338	36.35	Victoria, B. C.	Louis Olsen	J. D. Warren, Victoria, B. C.	7	12 ... 336	
3 July 9	do ...	Schooner.	W. P. Sayward, 82446	59.79	do	George R. Ferry	J. D. Warren	54 43 167 51 6 19 ... 477		
4 July 12	do ...	Steam schooner.	Dolphin, 83446	60.10	do	J. D. Warren	54 38 167 63 7 26 ... 618 4 36			
5 July 16	American.	Schooner	Lilly L, 140872	63.42	San Francisco	James W. Todd	C. D. Ladd, San Fran- isco.	55 46 170 88 22 ... 197		
6 July 17	British ...	Steam schooner.	Grace, 83442	76.87	Victoria, B. C.	William Pettif.	J. D. Warren, Victoria, B. C.	65 03 168 40 6 24 1 769 3 22		
7 Aug. 6	American.	Schooner.	Eileen, 135838	12.03	San Francisco	Thos. H. Went- worth	Claus W. Liljequist	54 19 166 56 6 ... 195 3 3		
8 Aug. 6	British ...	do ...	Alfred Adams, 82443	68.75	Victoria, B. C.	W. H. Dyer	Jacob Gutmann, Victo- ria, B. C.	54 42 167 20 4 21 1 1,879 8 9		
9 Aug. 6	American.	do ...	Annie, 106106	25.27	San Francisco	Henry Brown	James Ladin, San Fran- isco.	55 05 167 19 11 ... 304 2 5		
10 Aug. 8	do ...	do ...	Alpha, 105761	26.68	Astoria, Oregon	James Tatton	Jas. Tatton, Astoria, Oregon.	56 55 169 40 6 ... 380 5 6		
11 Aug. 8	do ...	Steam schooner.	Kate and Anna, 14373	16.49	Portland, Oregon	Charles Lutjens	Chas. Lutjens, Portland, Oregon.	57 07 169 51 7 ... 1 577 6 8		
12 Aug. 18	do ...	Schooner.	Sam Jose, 116087	51.88	San Francisco	John S. Lee	James Garvin, Oakland, Cal.	64 14 167 28 16 ... 891 7 8		

TABLE B.

Number.	Date of seizure.	Nationality.	Rig.	Name and official number.	Tonnage.	Hailing port.	Master.	Owner.	Lat.	Long. itude (west).	Indian seas.
1	1889. July 11	British	Schooner	Black Diamond 61304.*	81.57	Victoria, B. C.....	Owen Thomas	Frank & Gutman	56° 22'	170° 25'	White men.
2	July 15	do	do	Minnie 94806	49.96	do	Victor Jeckobson	Victor Jeckobson	55 11	105 55	Other tribes.
3	July 29	do	do	Patchmier 75908	68.98	do	William O'Leary	Victor Jeckobson	57 24	117 55	Breed - load - big tribes.
4	July 30	United States	do	James G. Swau, 76803.	63.91	Port Townsend	Martin Bouton	Victor Jeckobson	55 44	111 4	Sea-skins.
5	July 31	British	do	Juanita 72875	40.21	Victoria, B. C.....	Hall & Gospel	Hall & Gospel	56 42	170 40	Indians.
6	Aug. 6	do	do	Lily 83443*	58.75	do	C. E. Clarke	Frank & Gutman	55 29	168 15	Indians.
				Lily, 83443			John Reilly	John Reilly	55	25	Indians.

*Partly owned by American citizens.

TABLE C.

Date boarded. [1859.]	Nationality. [United States.]	Rig. [Schooner.]	Name. [Molly Adams.]	Ton- nage. [123.]	Hailing port. [Port Townsend.]	Master. [Jacob...]	Owner. [Jacob...]	Latitude (north). [55° 44'.]	Longitude (west). [167° 18'.]	Other arms. [Unalaska.]
										Brises. [Unalaska.]
1 July 4	United States	Schooner	Molly Adams	123 43	Port Townsend	Jacobe.....	Jacobe.....	55° 44'	167° 18'	Unalaska.
2 July 4	"	"	Henry Dennis	96.37	Salem, Mass	Lavender.....	.....	54° 42'	167° 38'	Unalaska.
3 July 4	"	"	Walter L. Rich	19.75	San Francisco	.....	.....	54° 42'	167° 38'	Unalaska.
4 July 4	"	"	do	63.42	.....	.....	.....	54° 42'	167° 38'	Unalaska.
5 July 11	British	do	Lily L.	63	Victoria, B. C.	Minor.....	C. D. Lodd.....	55° 5'	170° 41'	Unalaska.
6 July 19	United States	do	Triumph	98	Seattle, Wash	McLean.....	.....	55° 5'	170° 41'	Unalaska.
7 July 19	"	"	Allie J. Alger	79.42	.....	Algar.....	J. Nixon.....	55° 5'	170° 41'	Unalaska.
8 July 19	"	"	O. S. Fowler	35.45	San Francisco	Kleman.....	.....	55° 5'	170° 41'	Unalaska.
9 July 22	"	"	do	.....	.....	.....	.....	55° 44'	167° 18'	Unalaska.
10 July 22	"	"	Jas. Hamilton Lewis	21.49	Seattle, Wash	Raynor.....	J. Nixon.....	54° 42'	167° 38'	Unalaska.
11 July 24	"	"	Venture	96.37	do	Nelson.....	.....	54° 42'	167° 38'	Unalaska.
12 July 27	British	do	Henry Dennis	96.37	Salem, Mass	Lavender.....	.....	54° 42'	167° 38'	Unalaska.
13 July 29	United States	do	Maggie Mc...	123 48	Victoria, B. C.	Dodd.....	Dodd & Co.....	57° 38'	171° 34'	Unalaska.
14 July 30	British	do	Molly Adams	90	Port Townsend	Jacobe.....	Jacobe.....	55° 44'	171° 33'	Unalaska.
15 July 30	United States	do	Ariel	90	St. John, N. B.	Buckman.....	Buckman.....	55° 45'	171° 44'	Unalaska.
16 July 30	do	do	do	90	Victoria, B. C.	Ferry.....	Babington & Co.....	55° 45'	171° 21'	Unalaska.
17 Aug. 1	do	do	do	63	Seattle	Agar.....	J. Nixon.....	55° 45'	171° 22'	Unalaska.
18 Aug. 13	British	do	San Diego	79.42	San Francisco	Nelson.....	.....	55° 52'	167° 20'	Unalaska.
19 Sept. 6	do	do	Rate Ellen	38.01	Victoria, B. C.	C. Spring.....	.....	55° 52'	167° 20'	Unalaska.
			Mary Ellen	58	.....	McLean.....	.....	55° 52'	167° 20'	Unalaska.
			do	63	.....	.....	.....	55° 52'	167° 20'	Unalaska.

* Picked up from Besse Butcher.

Fully 90 per cent of all seals secured by us in the Bering Sea were cows, in milk. We seldom captured a bull, one of which we shot over twelve times and afterwards it escaped. There are not so many seals lost in the Bering Sea as there are on the coast. We caught seals all the way from 50 to 250 miles from the rookeries on the Pribilof Islands. We caught female seals, in milk, near the Seventy-two Pass, in the Bering Sea. The Seventy-two Pass is about 230 miles from the Pribilof Islands.

We caught 767 seals in Bering Sea that year [1884] from 30 to 150 miles off the seal islands. The most of them were females, for the reason that they are not as cute and wild as the males. *Jas. Sloan, p. 477.*

A great many of the female seals had their breasts full of milk, which would run out on the deck when we skinned them. * * *. My third voyage was in 1889. I sailed from Yokohama on the *Arctic*, about the latter part of January. We cleared under the American flag, and * * *. We entered Bering Sea about the 17th of May and caught about 900 seals, the most of them around the fishing banks, just north of the Aleutian Islands. The majority of them were mother seals.

And the majority of seals taken in Bering Sea are cows with milk. But a very few yearlings are taken, and once in a while an old bull is taken. The male seal taken are between two and four years old. * * * I have taken female seals 80 miles off the Pribilof Islands that were full of milk.

Have killed cow seals that were full of milk *Joshua Stickland, p. 350.* over 40 miles from the Pribilof Islands.

We entered the Bering Sea in June through Seventy-two Pass and caught about 100 seals, when we were ordered out of the sea. They were all females that had given birth to their young. *John A. Swain, p. 350.*

I have never captured any cows in milk along the coast, but when in the Bering Sea in 1889 I sealed off about 90 miles from the seal islands and caught cows in milk *John Tysum, p. 394.* there.

The majority of seals killed in the water are females, and all the females killed in Bering Sea are mothers who have left their pups on the rookeries and gone some distance from the islands in search of food. *Daniel Webster, p. 183.*

First. That 95 per cent of all the seals killed in the Bering Sea are females. *Theo. T. Williams, p. 493.*

The statement I made that the capture of 168,000 skins meant the death of 720,000 seals needs some explanation. The sealing fleet begins work in the Bering Sea about June and is all back home by the end of September. During this period there are but few seals in the waters

of Bering Sea, except females. The male seals are all at the breeding islands, either guarding their harems or waiting the coming of the females. Ninety-five per cent of all the seals killed during summer and autumn in the Bering are females.

Thomas Mowat, esq., inspector of fisheries for British Columbia, in his report to the governor-general of Canada, says that only 1 per cent of the Bering collection are pups.

The female seals killed in the Bering are either on their way to give birth to their young or have left their pup on the islands, and, guided by that instinct given by nature to all mothers, have gone forth to search for food to sustain the life of the little one. In either case the death of the mother means the death of the young.

That thousands of the female seals were captured by the pelagic hunters in Bering Sea during the season of 1891,
W. H. Williams, p. 94. the most of which had to be secured quite a distance from the rookeries, owing to the presence of armed vessels patrolling the sea for miles around the islands, and that the slaughter of the seals was mostly of females, was confirmed by the thousands of dead pups lying on the rookeries, starved to death by the destruction of their mothers.

We caught a few seals in there [Bering Sea]. When we first went in there we did not see many, but after we were
John Woodruff, p. 506. in there a while we saw plenty of them that had large breasts that were full of milk, and our catch were most all females; the average would be about one male to ten females, and we killed cows in milk 150 miles from the seal islands.

DEAD PUPS ON THE ROOKERIES.

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Dead "pup" seals, which seemed to have starved to death, grew very numerous on the "rookeries" these latter
H. N. Clark, p. 159. years; and I noticed when driving the "bachelor" seals for killing, as we started them up from the beach, that many small "pups," half starved, apparently motherless, had wandered away from the breeding grounds and became mixed with the killable seals. The natives called my attention to these waifs, saying that it did not use to be so, and that the mothers were dead; otherwise they would be upon the breeding grounds.

There were a good many dead pups on the rookeries every year I was on the island, and they seemed to grow more numerous from year to year. There may not, in fact, have been more of them, because the rookeries were all the time growing smaller, and the dead pups in the latter years were more numerous in proportion of the live ones.
Alex. Hansson, p. 159.

The seals were apparently subject to no diseases; the pups were always fat and healthy, and dead ones very rarely
H. H. McIntyre, p. 51. seen on or about the rookeries prior to 1884. Upon my return to the islands, in 1886, I was told by my

assistants and the natives that a very large number of pups had perished the preceding season, a part of them dying upon the islands and others being washed ashore, all seeming to have starved to death. The same thing occurred in 1886 and in each of the following years to and including 1889. Even before I left the islands, in August, 1886, 1887, and 1888, I saw hundreds of half-starved, bleating, emaciated pups wandering aimlessly about in search of their dams, and presenting a most pitiable appearance.

But facts came under my observation that soon led me to what I believe to be the true cause of destruction. For instance, during the period of my residence on *T. F. Morgan*, p. 64. St. George Island, down to the year 1884, there were always a number of dead pups, the number of which I can not give exactly, as it varied from year to year, and was dependent upon accidents or the destructiveness of storms. Young seals do not know how to swim from birth, nor do they learn how for six weeks or two months after birth, and therefore are at the mercy of the waves during stormy weather. But from the year 1884 down to the period when I left St. George Island, there was a marked increase in the number of dead pup seals, amounting, perhaps, to a trebling of the numbers observed in former years, so that I would estimate the number of dead pups in the year 1887 at about five or seven thousand as a maximum.

I also noticed during my last two or three years, among the number of dead pups, an increase of at least 70 per cent of those which were emaciated and poor, and in my judgment they died from want of nourishment, their mothers having been killed while away from the island feeding, because it is a fact that pups drowned or killed by accidents were almost invariably fat. Learning further, through the London sales, of the increase in the pelagic sealing, it became my firm conviction that the constant increase in the number of dead pups and the decrease in the number of marketable seals and breeding females found on the islands during the years 1885, 1886, and 1887 were caused by the destruction of female seals in the open sea, either before or after giving birth to the pups. The mother seals go to feeding grounds distant from the islands, and I can only account for the number of starved pups by supposing that their mothers are killed while feeding.

I visited the Pribilof Islands in 1890 and made a careful study of the conditions of seal life on those islands. I discovered late in the season a large number of dead pups lying upon the rookeries, which had the appearance of having been starved to death. *Chas. W. Price*, p. 521.

NO DEAD PUPS PRIOR TO 1884.

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Poaching in Bering Sea had not begun in those years [from 1868 to 1876] and it was a rare thing to find a dead pup about the shores or on the rookeries. I had *Geo. R. Adams*, p. 158. frequent occasion after the close of the breeding season to visit all parts of the island, and there was no appearance of

gaunt or starved seals. Occasionally a dead pup was found that had been crushed to death by the bulls in their encounters with each other.

Up to 1884 there were never enough dead pups on the rookeries to cause any remark. Occasionally one would be trampled to death by the fighting bulls, but the loss was almost nothing until the marine hunters began their work, and it grew to be quite noticeable before I left the islands.

A dead pup was rarely seen, the dead being a small fraction of 1 per cent to the whole number of pups. I do not think *Chas. Bryant, p. 8.* while I was there I saw in any one season fifty dead pups on the rookeries, and the majority of dead pups were along the shore, having been killed by the surf.

During the two sealing seasons I was on the islands I only saw a *S. N. Buynitsky, p. 21.* very few dead pups, and these had been killed by the larger seals crushing them. I have never seen a pup that was starved to death, or which had been abandoned by its mother.

There were not in 1880 sufficient dead pups scattered over the *W. H. Dall, p. 28.* rookeries to attract attention or to form a feature on the rookery.

I have no recollection of ever having seen a dead pup on the breeding grounds, but I have seen a considerable *Sam'l Falconer, p. 161.* number of silver-gray pups—that is, those that have learned to swim—which had been killed by being dashed against the rocks by the surf.

During the time I was on the islands I only saw a very few dead pups on the rookeries, but the number in 1884 *H. A. Glidden, p. 110.* was slightly more than in former years. I never noticed or examined dead pups on the rookeries before 1884, the number being so small.

In performing my official duty I frequently visited the breeding rookeries, and during my entire stay on the island *Louis Kimmel, p. 174.* I never saw more than 400 dead pups on all the rookeries.

But very few dead pups were ever seen on the rookeries until the sealing schooners began to come in the water around *Jac. Kotchooten, p. 131.* the island, and they have increased more and more since 1888.

I never saw but a few dead pups on the rookeries until the schooners came into the sea and shot the cows when they *Nicoli Krukoff, p. 132.* went out to feed, and then the dead pups began to increase on the rookeries.

I am informed that of late years thousands of young pups have died on the islands while the season was in progress. Certainly such condition did not exist during my *J. M. Morton, p. 69.* residence on the Pribilof group. The "pups" were sometimes trampled upon by the larger animals, and dead ones might be seen here and there on the rookeries, but the loss in this particular was never large enough or important enough to excite any special comment.

My observation in regard to the pup-seal life during those years was that the loss from natural causes was exceedingly small. I made frequent visits to the breeding rookeries during and after the close of the breeding season, and found only a very small number of dead bodies; it was a rare thing to find a dead pup seal. In one of my official reports I made an estimate of the loss from natural causes, which I fixed, I believe, at only 1 or 2 per cent of all classes.

Never while I was on St. George Island did I see a dead pup on the rookeries, and I certainly should have noticed if *B. F. Scribner, p. 89.* there had been any number on the island.

During the year I was on the island of St. George I did not see to exceed twenty-five dead pups on the rookeries, and the bodies of these were not emaciated, but *W. B. Taylor, p. 176.* had evidently been killed by the old bulls climbing over them in their combats.

While I was on the island I never saw more than twenty-five dead pups on the rookeries during any one season. I have seen occasionally a dead one among the *Geo. Wardman, p. 178.* boulders along the shore, which had probably been killed by the surf; but these dead pups were in no instance emaciated.

TIME OF APPEARANCE OF DEAD PUPS.

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The loss of life of pup seals on the rookeries up to about 1884 or 1885 was comparatively slight and was generally attributed to the death of the mother seal from *W. S. Hereford, p. 32.* natural causes or from their natural enemies in the water, or, as sometimes happened, sudden storms with heavy surfs rolling in from certain directions onto the breeding rookeries, but never at any time would a sufficient number of pups be killed to make it the subject of special comment, either among the natives or the employés of the company.

As I was not present on the islands in the fall of 1885, I am unable to make a statement as to the number of dead pups on the rookeries in that year, but in 1886 I *A. P. Loud, p. 38.* saw a large number of dead pups lying about.

These pups were very much emaciated, and evidently had been starved to death. * * *

In 1887 the number of dead pups was much larger than in 1886. In

1888 there was a less number than in 1887, or in 1889, owing, as I believe, to a decrease of seals killed in Bering Sea that year; but in 1889 the increase again showed itself. I believe the number of dead pups increased in about the same ratio as the number of seals taken in Bering Sea by pelagic sealers.

Between 1874 and 1883 predatory vessels occasionally appeared in Bering Sea, among them the *Cygnets* in 1874 and *H. H. McIntyre*, p. 51. The *San Diego* in 1876, but the whole number of seals destroyed by such vessels was small, and had no appreciable effect upon the rookeries; in 1884 about 4,000 skins were taken in Bering Sea by three vessels, and starved pups were noticed upon the islands that year for the first time. In 1885 about 10,000 skins were taken in this sea, and the dead pups upon the rookeries became so numerous as to evoke comment from the natives and others upon the islands.

For instance, during the period of my residence on St. George Island, down to the year 1884, there were always a number of dead pups, the number of which I can not give exactly, as it varied from year to year and was dependent upon accidents or the destructiveness of storms. Young seals do not know how to swim from birth, nor do they learn how for six weeks or two months after birth, and therefore are at the mercy of the waves during stormy weather. But from the year 1884 down to the period when I left St. George Island there was a marked increase in the number of dead pup seals, amounting, perhaps, to a trebling of the numbers observed in former years, so that I would estimate the number of dead pups in the year 1887 at about five or seven thousand as a maximum.

While on St. George Island there were practically no dead pups on the rookeries. I do not think I saw during any *J. H. Moulton*, p. 71. one season more than a dozen. On St. Paul Island I never saw any dead pups to amount to anything until 1884, and then the number was quite noticeable.

NUMBER OF DEAD PUPS IN 1891.

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One thing which attracted my attention was the immense number of dead young seals; another was the presence of *J. C. S. Akerly*, p. 85. quite a number of young seals on all the rookeries in an emaciated and apparently very weak condition. I was requested by the Government agent to examine some of the carcasses for the purpose of determining the cause or causes of their death. I visited and walked over all the rookeries. On all dead seals were to be found in immense numbers. Their number was more apparent on those rookeries such as Tolstoi and Halfway Point, the water sides of which were on smooth ground, and the eye could glance over patches of ground hundreds of feet in extent which were thickly strewn with carcasses.

Where the water side of the rookeries, as at "Northeast Point" and the reef (south of the village), were on rocky ground the immense number of dead was not so apparent, but a closer examination showed that the dead were there in equally great number scattered among the rocks. In some localities the ground was so thickly strewn with the dead that one had to pick his way carefully in order to avoid stepping on the carcasses. The great mass of dead in all cases was within a short distance of the water's edge. The patches of dead would commence at the water's edge and stretch in a wide swath up into the rookery. Amongst the immense masses of dead were seldom to be found the carcasses of full-grown seals, but the carcasses were those of pups, or young seals born that year. I can give no idea of the exact number of dead, but I believe that they could only be numbered by the thousands on each rookery. Along the water's edge, and scattered amongst the dead, were quite a number of live pups, which were in an emaciated condition. Many had hardly the strength to drag themselves out of one's way; thus contrasting strongly, both in appearance and actions, with the plump condition and active aggressive conduct of the healthy appearing pups.

One day, during the latter part of August or forepart of September last (exact date forgotten), Col. Joseph Murray,
one of the Treasury agents, and myself, in company with the British Commissioners, Sir George

Milton Barnes, p. 101.
Baden-Powell and Dr. Dawson, by boat visited one of the seal rookeries of that island, known as Tolstoi or English Bay. On arriving there our attention was at once attracted by the excessive number of dead seal pups whose carcasses lay scattered profusely over the breeding ground or sand beach bordering the rookery proper, and extending into the border of the rookery itself. The strange sight occasioned much surmise at the time as to the probable cause of it. Some of the carcasses were in an advanced stage of decay, while others were of recent death, and their general appearance was that of having died of starvation. There were a few that still showed signs of life, bleating weak and piteously, and gave every evidence of being in a starved condition, with no mother seals near to or showing them any attention.

Dr. Dawson, while on the ground, took some views of the rookery with his kodak; but whether the views he took included the dead pups I could not say. Some days after this—can not state exact date—I drove with Mr. Fowler, an employé of the lessees, to what is known as Halfway Point, or Polovinia rookery. Here the scene was repeated, but on a more extensive scale in point of numbers. The little carcasses were strewn so thickly over the sand as to make it difficult to walk over the ground without stepping on them. This condition of the rookeries in this regard was for some time a common topic of conversation in the village by all parties, including the more intelligent ones among the natives, some of whom were with Mr. J. Stanley Brown in his work of surveying the island and brought in reports from time to time of similar conditions at substantially all the rookeries around the island. It could not, of course, be well estimated as to the number thus found dead, but the most intelligent of the natives—chief of the village—told me that in his judgment there were not less than 20,000 dead pups on the various rookeries of the island and others still dying.

In the latter part of July, 1891, my attention was called to a source of waste, the efficiency of which was most startlingly illustrated. In my conversations with the natives I had learned that dead pups had been seen upon the rookeries in the past few years in such numbers as to cause much concern. By the middle of July they pointed out to me here and there dead pups and others so weak and emaciated that their death was but a matter of a few days. By the time the British commissioners arrived the dead pups were in sufficient abundance to attract their attention, and they are, I believe, under the impression that they first discovered them.

By the latter part of August deaths were rare, the mortality having practically ceased. An examination of the warning lists of the combined fleets of British and American cruisers will show that before the middle of August the last sealing schooner was sent out of Bering Sea. These vessels had entered the sea about July 1 and had done much effective work by July 15. The mortality among the pups and its cessation is synchronous with the sealing fleet's arrival and departure from Bering Sea.

There are several of the rookeries upon which level areas are so disposed as to be seen by the eye at a glance. In September Dr. Akerly and I walked directly across the rookery of Tolstoi, St. Paul, and in addition to the dead pups in sight they lay in groups of from three to a dozen among the obscuring rocks on the hillside. From a careful examination of every rookery upon the two islands made by me in August and September, I place the minimum estimate of the dead pups to be 15,000, and that some number between that and 30,000 would represent more nearly a true statement of the facts.

I did not observe any unusually large number of dead pups on the rookeries in my visits to the islands until the year
John C. Cantwell, p. 408. 1891. During the month of September of that year, in company with Mr. J. Stanley Brown, I visited the Starry Ateel and eastern rookeries on St. George Island and saw more than the average number of dead pups and a great many living pups, evidently in very poor condition, and either dead or dying from starvation, differing in this respect from the condition in which they are ordinarily found at this time of the year. Subsequently, in November, 1891, I visited the Polovinia rookery on St. Paul Island, and in the course of one hour's slow walking, covering perhaps 1½ miles of ground, estimated the number of dead pup seals to be not less than 1,000. I consider this number enormously in excess of the normal mortality.

No mention was ever made of any unusual number of dead pups upon the rookeries having been noticed at
W. C. Coulson, p. 415. any time prior to my visit in 1870, but when I again visited the islands in 1890 I found it a subject of much solicitude by those interested in the perpetuation, and in 1891 it had assumed such proportions as to cause serious alarm. The natives making the drives first discovered this trouble, then special agents took note, and later on I think almost everyone who was allowed to visit the rookeries could not close their eyes or nostrils to the great numbers of dead pups to be seen on all sides. In company with Special Agent Murray, Captain Hooper, and Engineer Brerton, of the *Corwin*, I visited the Reef and Gobatch rookeries, St. Paul Island, in August,

1891, and saw one of the most pitiable sights that I have ever witnessed. Thousands of dead and dying pups were scattered over the rookeries, while the shores were lined with emaciated, hungry little fellows, with their eyes turned toward the sea uttering plaintive cries for their mothers, which were destined never to return. Numbers of them were opened, their stomachs examined, and the fact revealed that starvation was the cause of death, no organic disease being apparent.

The schooners increased every year from the time I first noticed them until in 1884 there was a fleet of 20 or 30, and then I began to see more and more dead pups *Jno. Fratiss, p. 108.* on the rookeries, until in 1891 the fleet of sealing schooners numbered more than a hundred and the rookeries were covered with dead pups.

It was also during these years that dead emaciated pups were first noticed on the rookeries, and they increased in numbers until 1891, in which year, in August and September, the rookeries were covered with dead pups. *Edward Hughes, p. 37.*

In 1891 there was a great many that were thin and poor, and they would crawl down to the water and make a noise for their mothers until they died, and when some of them were cut open they had no milk in their stomachs. *Jac. Kotchooten, p. 131.*

There were more dead pups in 1891 than ever before, and they were all starved to death. *Nicoli Krukoff, p. 132.*

There was a great number of dead pups upon the rookeries last year, whose mothers, I believe, were killed at sea by sealing schooners, and I do not expect to see *Aggei Kushen, p. 128.* many cows this year.

I have noticed more and more dead pups on the rookeries every year since 1888, and in 1891 they were so close together in places I could not step among them *Aggei Kushen, p. 130.* without stepping on a dead pup.

Q. Did you see an unusual number of dead pups on the rookeries this season?—A. Yes; I saw more dead pups this year than ever before. I went with Mr. J. Stanley Brown in August to assist him to make a survey of the rookeries and saw dead pups grouped in various places.

Q. Did you see dead pups on all the rookeries you visited?—A. Yes; but some rookeries had more than others.

Q. Did you see any dead pups on the rookeries the past season?—A. Yes; I saw lots of them. *Anton Melovedoff, p. 139.*

Q. How do they compare with the number observed in former years?—A. Much greater in proportion to the number of females on the rookeries than formerly.

It was noticed by everyone on the island at this time that as the seals decreased on the rookeries from year to year *A. Melovedoff, p. 143.* the number of dead pups increased, until in 1891 the rookeries were covered with them. From 1884 the schooners kept on increasing, until in 1891 there was more than one hundred. These schooners care very little about coming to the islands to take seals on the land, for they only have to hover around the fishing banks from 50 to 200 miles away and take all the seals they want. It is to these banks the cow seals go to feed after the birth of their young, and it is here they are shot and killed and the pups are left to starve and die on the rookeries.

Last year I saw thousands of such pups.

On the 19th of August, 1891, I saw the young pups lying dead upon the rookeries of St. Paul, and I estimated their *Jos. Murray, p. 74.* number to be not less than 30,000; and they had died from starvation, their mothers having been killed at the feeding grounds by pelagic hunters.

Simeon Melovidov, p. 148. And as the seals decreased we found the rookeries covered with dead pups, which in 1891 lay in heaps upon the ground.

Q. Have you noticed any dead pups on the rookeries this past season, and in what proportion to former years?—*A. J. C. Redpath, p. 140.* I have seen an unusual number of dead pups this year on the breeding grounds; I may say twice as many as formerly.

In 1891 the rookeries on St. Paul Island were covered, in places, with dead pups, all of which had every symptom of *J. C. Redpath, p. 152.* having died of hunger, and on opening several of them the stomachs were found to be empty. The lowest estimates made at the time, placing the number of dead pups on the rookeries at 25,000, is too high.

CAUSE OF DEATH OF PUPS.

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The majority of the pups, like all healthy nursing animals, were plump and fairly rolling in fat. I have watched *J. C. S. Akerly, p. 96.* the female seals draw up out of the water, each pick out its pup from the hundreds of young seals sporting near the water's edge, and with them scramble to a clear spot on the rookery, and lying down give them suck. Although I saw pups nursing in a great many cases, yet I never saw one of the sickly looking pups receiving any attention from the female. They seemed to be deserted.

The cause of the great mortality amongst the seal pups seemed to me to have ceased to act, in great part, before my first visits to the rookeries; for subsequent visits did not show as great an increase in the masses of dead as I would have expected, had the causes still been in active operation. It seemed to me that there were fewer sickly looking pups at each subsequent visit. This grew to be more and more the case as the season advanced. When I visited the rookeries for the purpose

of examining the dead bodies, it was with extreme difficulty that carcasses could be found fresh enough to permit of a satisfactory examination. I examined a large number of carcasses. All showed an entire absence of fatty tissue between the skin and muscular tissue. The omentum in all cases was destitute of fat. These are the positions where fat is usually present in all animals. Well-nourished young animals always have a large amount of fat in these localities. The few carcasses which were found in a fair state of preservation were examined more thoroughly. The stomachs were found empty and contracted, but presented no evidence of disease. The intestines were empty, save in a few cases, where small amounts of fecal matter were found in the large intestines. A careful examination of the intestines failed to discover any evidence of disease. The heart, lungs, liver, and kidneys were in a healthy condition.

Such is the evidence on which I have founded my opinion that the cause of the great mortality during 1891 amongst the young seals on St. Paul Island, Bering Sea, was caused by the deprivation of mother's milk. The result of my investigation is that there was great mortality exclusively amongst nursing seals. Secondly, the cause of this mortality seemed to have been abated *pari passu* with the abatement of sea sealing. Thirdly, the presence of emaciated, sickly looking pups which were apparently deserted by their mothers. Fourthly, the plump, healthy appearance of all the pups I saw nursing. Fifthly, the emaciated condition of the dead. Sixthly, the absence of food in the stomachs, and their contracted condition. Seventhly, the absence of digested food in the small intestines. Eighthly, the absence of even fecal matter, save in small amounts in a few cases. Ninthly, the absence of structural changes in the viscera or other parts of the bodies to account for the death.

Q. Did you see any dead pups on the rookeries this season?—A. Yes; my attention was called to the matter by J. Stanley Brown, who requested me to examine them with a view to determining the cause of their death. I examined a number which had apparently recently died. Their bodies were entirely destitute of fat and no food to be found in their stomachs. After a careful examination I found no evidence of disease.

Q. What do you assign as the cause of their death.—A. I believe them to have died of starvation.

Q. Why do you think they died of starvation?—A. From the fact that nearly all the dead on the rookery were pups, and from absence of all signs of disease, emaciated condition of their bodies, and absence of food from their stomachs.

There were a great many dead pups on the rookeries during my last three years on St. Paul Island. Many of them wandered helplessly about, away from the groups or "pods" where they were accustomed to lie, and finally starved to death. We knew at the time what killed them, for the vessels and boats were several times plainly in sight from the Island shooting seals in the water, and the revenue cutters and company's vessels arriving at the island frequently reported the presence in Bering Sea and sometimes the capture of these marauding crews. If all had been captured and the business broken up the seal rookeries would be healthy and prosperous to-day, instead of being depleted and

broken up. I speak positively about it, because no other cause can be assigned for their depletion upon any reasonable hypothesis.

It was easy enough to see what they died of. They simply starved to death, wandering about and bleating until it made one's heart ache to see them. Their mothers had been killed off in the water, and the pups lived and suffered for weeks. They are very tenacious of life, holding out six or eight weeks or more after they lose their mothers.

These dead pups have increased from year to year since 1887, and in 1891 the rookeries were covered with dead pups.
K. Artomanoff, p. 100. In my sixty-seven years' residence on the island I never before saw anything like it. None of our people have ever known of any sickness among the pups or seals and have never seen any dead pups on the rookeries except a few killed by the old bulls when fighting or by drowning when the surf washed them off.

Dr. Ackerly, the lessees' physician at the time, made an autopsy of some of the carcasses, and reported that he could find no traces of any diseased condition whatever, but there was an entire absence of food or any signs of nourishment in the stomach. Before Dr. Dawson left I called his attention to what Dr. Ackerly had done, but whether he saw him on the subject I can not tell.

I procured a number of these pups, and Dr. Ackerly, at my request, made autopsies, not only at the village, but later *J. Stanley Brown, p. 19.* on upon the rookeries themselves. The lungs of these dead pups floated in water. There was no organic disease of heart, liver, lungs, stomach, or alimentary canal. In the latter there was but little and often no fecal matter and the stomach was entirely empty. Pups in the last stage of emaciation were seen by me upon the rookeries, and their condition, as well as that of the dead ones, left no room to doubt that their death was caused by starvation.

Some men tell me last year "Karp, seals are sick." I know seals are not sick; I never seen a sick seal, and I eat seal meat every day of my life; all our people eat seal meat, white men eat seal meat, no one ever seen bad seal meat or sick seal. No big seals die unless we club them, only pups die when starved, after the cows are shot at sea. When we used to kill pups for food in November they were always full of milk; the pups that die on the rookeries have no milk. The cows go into the sea to feed after the pups are born, and the schooner men shoot them all the time.

The pups on the rookeries were fat and healthy, and while I was on the islands no epidemic disease ever appeared
Chas. Bryant, p. 8. among them, nor did the natives have stories of an epidemic ever destroying them.

I was informed at the time [November, 1891] that the stomachs of dead pups had been examined by the medical officers at the island and no traces of food were found therein. From personal observation I am of the opinion that fully 90 per cent of them died of starvation, great emaciation being apparent.

The greatest number of seals taken by hunters in 1891 was to the westward and northwestward of St. Paul Island, and the largest number of dead pups were found that year in rookeries situated on the western side of the island. This fact alone goes a great way, in my opinion, to confirm the theory that the loss of the mothers was the cause of mortality among the young.

A good many pups are killed at this period of life [before learning to swim] by being dashed against the rocks by the surf, which is particularly violent about these islands.

I have never known of any sickness or epidemic among the seals, and I am of the opinion that the thousands of dead pups on the rookeries last year died of starvation on account of their mothers being shot and killed while feeding at the fishing banks in the sea.

C. L. Fowler, p. 25.

I was present last year and saw some of the dead pups examined. Their stomachs were empty, and they presented all the appearances of starvation. I also noticed on the rookeries a great many emaciated pups, which, on a later visit, would be dead. It has always been the practice prior to 1891 for the natives to kill three to four thousand pups in November for food, and we always find their stomachs filled with milk.

When Mr. Webster had charge of the killing at Northeast Point, where he used to kill from 25,000 to 35,000 seals in a season, I generally did the cooking there, and I cooked seal meat every day, and we all ate it, and our people live on seal meat, yet I never saw a sick or a diseased seal or a carcass that was unfit for food.

It is my opinion that the cows are killed by the hunters when they go out in the sea to feed, and the pups are left to die and do die on the island.

But that year [1884] I examined them, and found them very much emaciated. In my judgment they were starved to death because their mothers had been killed while away from the islands in search of food. This, perhaps, would not be so if a cow would suckle any pup that comes to her, but she will not, and on the contrary will beat off any young seal which endeavors to nurse from her except her own. I know a cow recognizes her pup, but a pup never seems to distinguish its mother from other cows which it comes in contact with.

They were thin and poor, and appeared to have starved to death.

Alex Hansson, p. 116.

It is a well-known fact that the female seals leave the islands and go great distances for food, and it is clearly proven that many of them do not return, as the number of pups starved to death on the rookeries demonstrates.
W. S. Hereford, p. 33.

I have been steward and cook at the company house for the lessees since 1882, and during the time when seals are killed for skins or food I have daily prepared and cooked the meat in various ways for the use of the table at which all white people board who live on or come to the island, and such a thing as a diseased seal has never been known. I was present when Dr. Akerly, the resident physician, made an examination of some of them and it was found that their stomachs were empty, and that they exhibited all the conditions of starvation.
Edward Hughes, p. 37.

None of our people ever knew of any sickness among the seals and pups, and their flesh has always been our meat food.
Jao. Kotchooten, p. 131.

I have often cut open dead pups and examined their stomachs, and found them empty, and the pups looked as if they had been starved to death. * * *

When we used to kill pups for food and clothing in November, I often examined them, and always found plenty of milk in their stomachs.

I never saw or heard tell of a sick seal, and although we have always eaten the flesh of the fur-seal we have never found one that was diseased in any way.

I never saw a dead grown seal on the island during my twenty-five years' residence here, except odd ones that had been killed in fighting for places on the rookeries.
Aggei Kushen, p. 128.

I never heard any of the old men who have lived here for fifty years before my time speak of such a thing as sickness or death among the seals. We eat the flesh of the seal and it constitutes the meat supply of the natives, and seals from 2 to 5 years old have been killed by them for food every week during their stay on the land ever since the islands were peopled, and no one has yet found a diseased seal, either young or old.

I saw many of them cut open and examined by the doctor (Dr. Ack-
erly) and their stomachs were empty. All of the
Aggei Kushen, p. 130. dead pups were poor and thin and starved. I believe they all died of starvation because their mothers had been shot at sea when they went out to feed. I never saw a full fat pup or one who had a mother to feed him dead, except a few that were drowned in the surf.

For if the mother seals are destroyed, their young can not but perish; no other dam will suckle them; nor can they
H. H. McIntyre, p. 51. subsist until at least three or four months old without the mother's milk. The loss of this vast number of pups, amounting to many thousands, we could attribute to no other cause than the death of the mother at the hands of pelagic seal-hunters.

Q. How do you account for so many dead pups?—A. I think their mothers were killed in the sea by the poachers while away from the islands in search of food. *Noen Mandregin et al.,*

Q. Why do you think that they were killed by p. 140.
poachers?—A. I was once on board a schooner which was seized at Northeast Point and saw a number of female skins on board.

Q. How do you account for this?—A. I think the cows were killed by the poachers while away from the rookeries, and as mother seals nurse none but their own young, consequently the pups whose mothers were killed die from starvation. *A. Melovedoff, p. 139.*

And I saw many of them opened, and in all cases there was not a sign of food in their stomachs. I never seen a pup that had a mother living to suckle it look poor or sick or starved; nor did I ever see or hear of a sick or diseased seal, although I have eaten the flesh of the fur-seal all my life, and it is and has ever been the staple meat ration of our people.

Seal meat is cooked at the company house every day while seals are to be had, and it is eaten by all the white men on the island. Men talk of epidemics among seals and of impotent bulls on the rookeries, but those who have spent a lifetime on the seal islands, and whose business and duty it has been to guard and observe them, have no knowledge of the existence of either.

And when they were examined by the physician I was present, and I saw them cut open and their stomachs were empty and not a sign of milk in them. *Simeon Melovidov, p. 146.*

The only solution of the problem is, in my opinion, that the cows or mother seals go into the sea to feed, and while they are there they are shot and killed by pelagic hunters, and the pups, deprived of sustenance, die upon the rookeries.

Until 1891 we were allowed several thousand pup seals for food, and I have often killed them, and saw others killing them, and they were always full of milk. The pups found dead upon the rookeries are always poor and thin and starved and empty. * * *

The flesh of the fur-seal has been eaten by our people ever since their first settling here, and it constitutes the chief part of their daily food, and it is eaten regularly by every white man on the island; and yet no one here has ever seen or heard tell of a sick or diseased seal.

The seals are never visited by physical disorders of any kind, so far as I could ascertain, and I have never seen on their bodies any blemishes, humors or eruptions *John M. Morton, p. 68.* which might be attributed to disease.

These latter pups I examined, and they seemed to be very much emaciated. In my opinion they died of starvation, caused by the mothers having been shot while absent from the islands feeding. Another cause of their starving is because a cow refuses to give suck to any pup but her own, and she recognizes her offspring by its cry, distinguishing its voice from that of hundreds of others which are constantly bleating.

The epidemic theory was urged very strongly in 1891, when the rookeries were found covered with dead pups;
L. A. Noyes, p. 84. but a careful and technical examination was made on several of the dead bodies without discovering a trace of organic disease; while starvation was so apparent that those who examined them decided that it was the true cause of their death. Had sickness or disease attacked the seal herd it is only reasonable to suppose a few grown seals would be found dead where so many young ones had died so suddenly; but the most diligent search has failed to find a grown seal dead upon the islands from unknown causes.

From the discovery of the islands until the present time the flesh of the fur-seal has been the daily meat ration of the natives and of the white people, and yet it is a fact that a tainted or diseased carcass has never been known.

Some of these losses were due to their perhaps too early attempts to swim. When the pup is a few months old the *H. G. Otis, p. 87.* mother seal conducts it to the water and teaches it to swim near the shore. If a heavy sea is encountered the weak little pup is liable to be thrown by the surf against the rocks and killed, but under natural conditions and with the protection to the rookeries formerly enforced at the islands the losses from this cause and all others combined (save alone the authorized killing) amounted to an infinitesimal percentage of the whole numbers in the herds.

Another theory, equally untrue, was that an epidemic had seized the herd; but investigations of the closest kind have *J. C. Redpath, p. 151.* never revealed the death, on the islands, of a full-grown seal from unknown causes. Let it be remembered that the flesh of the seal is the staple diet of the natives and that it is eaten daily by most of the white employés as well; and yet it is true that a sign of taint or disease has never been found on a seal carcass in the memory of man. It was not until so many thousands of dead pups were found upon the rookeries that the problem was solved.

The truth is that when the cows go out to the feeding grounds to feed they are shot and killed by the pelagic hunter, and the pups, deprived of sustenance, die upon the rookeries. Excepting a few pups killed by the surf occasionally it has been demonstrated that all the pups found dead are poor and starved, and when examined their stomachs are found to be without a sign of food of any sort.

The resident physician, Dr. Ackerly, examined many of them and found in every instance that starvation was the cause of death.

A double waste occurs when the mother seal is killed, as the pup will surely starve to death. A mother seal will give *Z. L. Tanner, p. 375.* sustenance to no pup but her own. I saw sad evidences of this waste on St. Paul Island last season, where large numbers of pups were lying about the rookeries, where they had died of starvation.

I never heard of any disease among the seal herd, nor of an epidemic *Danl. Webster, p. 183.* of any sort or at any time in the history of the islands.

So, too, is revolting the slaughter of the female seal that has given birth to her pup and gone out into the sea to find food to sustain the lives of both of them. She *T. T. Williams, p. 503.* leaves her pup on shore, a helpless, tiny thing, soft and pulpy, and only able to wriggle and bark. Nature has taught her to recognize it among hundreds of thousands by its plaintive bleat, and the eagerness with which she rushes to its side when she comes ashore shows how much she loves to fondle and care for it. If the mother is killed the pup will linger on for a time, only to die of starvation in the end, or, because of weakness, be dashed to pieces in the first storm. Thousands of these orphan pups are found along the coast after a severe storm, dead, because they had not sufficient strength to exist in their natural element. Had their mothers been spared till it was time for the pups to take to the water and live on fish of their own catching, no storm that ever raged in the Arctic Ocean could disturb them. The seal pup can live a long time without food, which is a wise provision of nature, because the mother often has to go a very long distance to fish, but after a few days, if the mother does not return, the pup's vitality becomes exhausted and it dies.

If the mother of a young seal is killed the pup is very likely to die. It will be so weak that the first storm will dash it ashore and kill it, or it may die of starvation. I *T. T. Williams, quoting Capt. Olsen, p. 505.* have seen pups hardly larger than a rat from lack of nourishment. A starved or neglected orphan pup is nearly sure to die. At one storm the natives found over three hundred pups washed ashore in a little cove, and the water around was full of dead pups. It is certain that nearly all the dead pups were orphans. The female seal when suckling her young has to go out into the ocean in search of food, and it is those females, or females on the way to the breeding grounds to give birth to the young, that we kill in the Bering Sea.

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PROTECTION AND PRESERVATION.

OTHER SEAL HERDS.

DESTRUCTION OF.

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Patagonia.—The seal rookeries of Patagonia lie along the eastern coast, south of about latitude 42°, and up the western coast to the Gulf of Penas. Formerly *James W. Budington, p.* these regions abounded in seals, but now there 593. are not enough to pay for the hunting. In 1881 I took 600 seals off the western coast at Pictou opening. In 1888-'89 I again visited the coast, but only obtained 4 skins. Great quantities have been taken from the eastern coast, but at present there are no seals there.

Terra del Fuego and the islands in the vicinity.—These islands were at one time very abundant in seals, and were considered among the best rookeries. I visited them in 1879-'80 and took 5,000 skins. On my last voyage, in 1891-'92, I took only 900, and the majority of these came from another portion of the coast, which had not been worked for twelve or fifteen years. Thousands of skins had formerly been taken from these islands, but the animals are practically extinct there to-day.

Falkland Islands.—At one time these islands were very abundant in seal life, but excessive and indiscriminate killing has nearly annihilated them.

South Georgia Island.—This island at one time produced many thousand skins. I visited it in 1874 and got 1,450 skins, but it had been visited five years before, *James W. Budington, p.* when 800 skins were taken, and where those had 594. been taken I only got 86. I found a new rookery which had not been not been worked, to my knowledge, and then I got the remainder. In 1875 5 vessels visited the island and got 600 seals. The next season 4 vessels again worked it, getting 110. Since that time, until January, 1892, it had not been worked, and in that month I got from there 135 skins, none, however, coming from the old rookeries. The seals on South Georgia are practically extinct.

South Shetland Islands.—The shores of these islands were once covered with seals, but there are practically none there now. I don't think 100 skins could be taken from there at the present time, while I have known of 1 vessel taking 60,000 in a season. Since my experience began, however, the biggest catch was 13,000 by a fleet of 4 vessels; that was in 1871-'72. I was there at that time. The next year we took about 12,000, the fleet consisting of 6 vessels. In 1873-'74 our fleet of

7 vessels took about 5,000. Up to about 1880 from 100 to 200 seals were taken annually from these islands. Since 1880 the rookeries were not worked till 1888-'89. That season I visited the islands and took 39 skins. I again went there this year and took 41.

Sandwich Land.—In 1875-'76 I visited these islands; there were 3 or 4 vessels in the fleet. We searched the southern islands and found nothing. One vessel went to the northern islands and took about 2,000 skins. In 1876-'77 I was there again, the fleet consisting of 6 vessels. We took altogether about 4,000. The next season some vessels again visited the islands, but did not take 100 seals. In 1880-'81 2 vessels stopped there, but got no skins. From that time until I called there this season they had not been worked. I took 400 skins. Perhaps 200 more could be taken there, but not more, and that would clear them up, except what few young seals might live through this season. I have never been on the Lobos Islands, but in passing the mouth of the Platte in September I have seen seals in the water a hundred miles from the islands.

From hundreds of thousands of seals resorting to these islands and coasts, the numbers have been reduced to a few
Jas. W. Budington, p. 595. (Antarctic.)

hundreds, which seek the land in scattered bands

and rush to the sea on the approach of man.
Manner of sealing.—When I first began sealing in 1871, these rookeries had not been worked for twenty-five or thirty years, and the seals had had a chance to increase. The seals were then very tame, and were all killed with clubs. So tame were they you could go around among them like you could among cattle, and at one place they wouldn't get out of the way, so had to be knocked in the head in order to make room to set up a tent. Before 1880, however, the seals had become wild from hunting, and we had to use guns, killing them on the rookeries and in the water, wherever we could get at them.

Waste of life.—We killed everything, old and young, that we could get in gunshot of, excepting the black pups, whose skins were unmarketable, and most all of these died of starvation, having no means of sustenance, or else were killed by a sort of buzzard, when the mother seals, having been destroyed, were unable to protect them longer. So, too, these birds ate the carcasses of the dead pups, and little traces were to be found of the bodies. The seals in all these localities have been destroyed entirely by this indiscriminate killing of old and young, male and female. If the seals in these regions had been protected, and only a certain number of "dogs" (young male seals unable to hold their positions on the beaches) allowed to be killed, these islands and coasts would be again populous with seal life. The seals would certainly not have decreased, and would have produced an annual supply of skins for all times.

As it is, however, seals in the Antarctic regions are practically extinct, and I have given up the business as being unprofitable. The whole annual catch for 7 vessels has not exceeded 2,600 skins for the last four years.

I have observed the habits of the seals frequenting these localities,
Geo. Comer, p. 596. (Antarctic.) and I spent fourteen consecutive months on one island, called by us West Cliff, located on the coast of Chile, about a hundred miles north of the Straits of Magellan. On that cruise we were three years away from

home, all of which time was spent about Terra del Fuego and the coast of Patagonia and Chile. During these three years (1879 to 1882) our catch was 4,000 seals, 2,000 of which were taken the first year, and we practically cleaned the rookeries out. In 1885 to 1886, I visited South Georgia as mate of a vessel. We had heard reports of the number of seals formerly taken there, but we did not get a seal, and only saw one. In 1887, while I was on Goughs Island, the vessel went over to South Georgia and took 3 seals. In the summer of 1887 we put six men on Goughs Island, and then went to the Crozets and Kerguelen Island, commonly called Desolation Island. On our return, nine months after, the gang had taken about 40 or 50 skins. Years before the English had had the working of Goughs Island, and had run the business out, so there were practically no seal there. We put a gang on the Crozets, expecting to do well. They staid there five months and took 3 seals.

The English at Cape Town had recommended us to go there, because they said that formerly they had taken a great number of skins there. We went to Kerguelen Island, and there I had charge of the sealing. We staid about four months, and took 18 seals. Prior to this visit I had spent five months at Kerguelen Island, and we then took 6 seals; that was in the winter of 1883 and 1884. About 1850 this island was visited by an American, who practically cleaned off the seals. The captain I shipped with, Joseph Fuller, visited the island in 1880, and took 3,600 seals, practically all there were; and this was the increase for the thirty years from 1850.

In the first part of a season we never disturbed the rookeries we visited, always letting the seals come on shore; then we would kill them on land with clubs or rifles. During the latter part of a season the seals become very wild, and we used to shoot them in the water from boats. When we shoot them in the water we lose certainly three out of five we kill by sinking, and we also wounded a great many more. Shooting seals in the water is the most destructive method of taking them as compared with the number of skins we have to show for our work.

In 1870, I sent a vessel to Chillaway, off the coast of Chile, where there were thousands of seals in those waters. This last season the *Hancock* returned from a trip there, and the captain informed me that there were no seals worth mentioning. They would have been good rookeries to-day if they had been protected from marauders. The South Shetland rookeries were in the same condition in former years, while to-day you could not get a thousand dollars' worth of seals if you were to hunt there the whole season.

In 1885 I made a voyage to the Galapagos Island as master of the schooner *Dashing Wave*, arriving there on the 30th day of August, and remaining until the 8th day of December of the same year. I obtained at this time on those islands about 1,000 fur-seal skins which were sold in London at an average price of about 7 shillings each. The seals upon this group do not migrate. I observed the birth of pups during frequent intervals during all the time I was there, and from the size of those a little older it was apparent that they are born at all seasons of

the year. They live in deep caves under the cliffs, seldom going into the sun. Many of those obtained by me were pulled out of these places with long gaffs and killed. We slaughtered old and young of both sexes. These seals are browner and in other respects quite different from those obtained in Alaska, yet they are the true fur-seal.

During the past winter I have made a second voyage as master of the schooner *Hancock* to the southern waters in search of seals. I arrived at Rees Islet, off the coast of southern Chile (latitude $46^{\circ} 45'$ south, longitude $75^{\circ} 45'$ west) and remained there from December 1 to December 17, 1891, but obtained only one seal. I learned that seal still breed there in considerable numbers, but the Chileans are accustomed to visit this islet at an earlier time than the date of my visit, while the pups are young, and to kill all they can obtain. In 1880 Capt. Mills, of the schooner *La Niña*, visited this islet and obtained a small catch, and I am credibly informed and believe that more than 12,000 seals have since been obtained there.

On my return voyage I touched at Juan Fernandez (latitude $24^{\circ} 21'$ south, longitude $76^{\circ} 10'$ west), but got no seals, though there were a few seen about there in the water. On December 25, 1891, I landed at Massafueros Island (latitude $34^{\circ} 11'$ south, longitude $80^{\circ} 50'$ west) and got 19 fur-seal skins. There were, I should think, about 200 or 300 seals on the island when I arrived there, but as they went into the water, and did not come on shore again during my stay, I could not secure them. The pups at Massafueros are born in October, I think. They were old enough to swim when I was there.

A few days later I touched at St. Felix and St. Ambrose islands (latitude $26^{\circ} 10'$ south, longitude 80° west) and saw two fur-seals. Findlay's South Pacific Directory states that there were formerly large herds of fur-seals on these islands.

I touched also at Guadalupe Islands, but found nothing. The International Company have had the lease of these islands for several years past, and, as I am informed and believe, obtained some skins there as late as last year, but upon the occasion of my recent visit, the island was deserted by both seals and men; only a few goats remained.

Some eighteen years ago several thousand seals were taken on the Guadalupe Islands off the coast of Mexico, but *Isaac Liebes*, p. 515. their hunting being unrestricted, they were practically exterminated inside of three years. So much so that a vessel visiting these islands some four months ago was only able to secure 3 fur-seals, and the captain states that he does not think that even these would have been obtained had it not been for the large number of caves on that particular island, which probably gave shelter to a few of the animals while the extermination was being practiced. * * *

The Galapagos Island rookery was much larger than the Guadalupe, and the animals have also become nearly extinct there by reason of unrestricted hunting.

Several vessels have visited the rookeries in the vicinity of Cape Horn and the Straits of Magellan, and the last vessel returned from the latter place only last week with a catch of twenty-six skins, representing a seven months' cruise.

Heretofore some expeditions went from this port to the Shetland Islands, but their catches were so small that in the last few years no hunting has been done in that vicinity, it being understood that the animal is extinct there.

We left on the *Hancock* in October, 1891, to go on a sealing expedition in the south seas. We started in sealing off the coast of Patagonia and sealed in those seas *Caleb Lindahl, p. 456.* until March. The seals are nearly all killed off down there, so that we got only about 20 skins. It is no use for vessels to go there sealing any more. I was there twelve years ago on a sealing expedition and the rookeries were full of seals. Now they have most all gone. They never gave the seals a chance to breed there. They shot them as soon as they came up on the rocks. * * *

If the seals on the South Shetland Islands had been protected, I think they would have been there by the million, because in one year they took 300,000 seals from the Shetland Islands.

THE RUSSIAN HERD.

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My first ideas of the areas of seal rookeries were gathered on the Pribilof Islands. Afterwards, upon going to the Commander Islands, I was struck with the comparative insignificance of the rookeries upon the latter group; yet we have been able to secure the catch, as shown by the appended statement, not only without detriment, but, as I believe, with positive benefit to the rookeries. I can not think, therefore, that the same methods pursued under my direction upon the Pribilof group worked any other result, and in this conclusion I am borne out by the testimony of every one conversant with the matter.

The history of sealing upon Robben Island substantiates the conclusion in regard to the other groups. From information gathered from various sources I learn that the Robben Bank was first visited and exploited by whalers about 1852 or 1853, and that in two seasons they obtained some 50,000 or 60,000 skins, almost completely "cleaning it out." I understood for several years thereafter the occasional vessel which touched there found the rookeries practically deserted. In 1870 the expedition in the bark *Mauna Loa* went to the island and secured about 15,000 seals. There was at this time no restriction upon the killing.

In 1871, in August, I think it was, the lease being already in force, I visited the island for the first time, having previously sent a guard ship there to protect the rookeries. It is an insignificant affair, being only about 2,000 feet long and 200 feet wide. The rookeries were also very small, and contained at that time of all classes about 800 seals, as I ascertained by a careful count, and in addition, a small number in the waters adjacent. I prohibited all killing from that year until such time as seemed prudent to resume, so as to give the rookeries opportunity to recuperate, leaving strict orders to the guard ship to protect them against molestation. Two years afterward it was evident that the rookeries had sufficiently recovered to warrant us in commencing sealing on a small scale, knowing that the killing of the useless male seals would accelerate the increase of the herd. From this time forward the herd showed a steady and healthy growth, enabling us to secure catches as per appended statement until 1873, when our guard was assaulted by the combined force of eleven marauding schooners and driven away. The rookeries were again badly depleted by these poachers. The following year the Russian Government stationed a military force on the islands, which was removed every fall, but so early that marauders

came there nearly ever year after it had left and killed all the seals they were able to obtain, so nearly destroying the rookeries that we found it inexpedient to continue sealing after 1884 during the remainder of our lease.

FALKLAND ISLANDS.

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This fact was recognized by the Government of the islands, which passed an ordinance in 1881 establishing a close season from October to April for the islands and 593. the seas adjacent thereto. My understanding of James W. Budington, p. this ordinance was that the Government would seize any vessel taking seals close to or within 15 or 20 miles of the islands. It certainly would not have been allowed to take seals between the Falklands and Beuchene Island, 28 miles distant, which is considered part of the group. I understood this ordinance was passed on the ground that the seal resorting to these islands was the property of the Government and therefore it had a right to protect them everywhere. The Government, however, gave licenses to certain parties at from £80 to £100 a year to take seals during the close season. On account of these licenses I think the effect of the ordinance is nullified, although the islands are well guarded, and seals have increased very little, if at all, because of allowing hunting to take place under these licenses.

NEW ZEALAND.

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W. C. B. Stamp, p. 576. On the Lobos Islands and in New Zealand governmental regulations exist.

CAPE OF GOOD HOPE.

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While I was at Cape Town I saw a gang start out for sealing on that coast; the rookeries I understood to be about 25 miles from Cape Town. They are in the possession or control of a company, as I was then informed, which has the exclusive right to take seals there. We did not dare to go to those rookeries, because sealing was prohibited, and we would not have been allowed to take them in the waters adjacent thereto. *Geo. Comer, p. 597.*

And I am told, although I know nothing about it, that regulations of *W. C. B. Stamp, p. 576.* some kind have been made in the colony of the Cape of Good Hope.

NEWFOUNDLAND REGULATIONS.

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I am opposed to second trips to the seal fishery, as I consider they are calculated to destroy the species, as all the *Jas. G. Joy, p. 591.* seals killed on such trips are old and mature seals and at least 75 per cent of them are female seals.

I am now speaking of harp-seals. They are principally shot on the ice, but when the ice packs they are killed with bats. When shot on open or floating ice a large number of them escape into the water and die from bleeding.

I should say that for every seal shot and captured three escape wounded to die in the water. I have seen ten seals on one pan shot and wounded and all escaped. To kill and capture the seal the bullet must lodge in the head; if it strikes any part of the body the seal will manage to get to the edge of the pan and escape into the water. I know from my own knowledge that the number of seals brought in on second trips is yearly decreasing, and that the fishery is being depleted by the prosecution of this trip. Apart from the number of old, mature, and female seals destroyed, the hunting necessary for their capture prevents the male and female coming together as soon as they otherwise would, and makes the whole species more wary and more difficult to capture each year, so much so that even at a distance of from 4 to 5 miles the smoke of a steamer blowing over the ice in the direction of the seals will cause them immediately to leave the ice and take to the water.

On the first trip a good many seals are shot in the water, as at that season of the year, the month of March, they are fat and will float, but on the second trip, in April, they are seldom fired at in the water, for if shot they immediately sink. Except you are very close to them and very quick you can not secure one of them.

The hood-seals are generally in families—male, female, and young.

Seals have been taken the past season on the east coast of Greenland with S. S. G. shot in them. This kind of shot is only used by sealers on the Newfoundland coast.

I can not speak of the percentage of seals taken on a "second trip," nor of the sex. Nearly all the seals taken are bedlamers and old harps. The "second trip" *Richard Pike*, p. 592. generally covers the month of April. Nearly all seals taken on the "second trip" are shot on open and floating ice. Very few are shot in the water, for if hit there is very little chance of their capture, as they sink immediately. They are seldom or never fired at in the water, for unless they are very close there is very little chance of their being recovered. Fully one-third of the seals shot on the ice are lost, for when wounded they manage to crawl to the edge of the pan and into the water, and when once in the water they sink or die from their wounds.

Seals shot in the water in the month of March can be recovered, as they are fat and in good condition, and float, but in the latter part of April, when shot, they sink immediately. I am strongly against "second trips," as in my opinion they are causing a rapid decline in the industry, likely to lead to the extermination of the species by the killing of old and mature seals, and the destruction caused by the use of firearms. Some of the men resident in the northern harbors, who have been engaged in the actual killing of the seal, can give more particular information as to the age and sex of the seals killed. The young harp-seal takes to the water about the 25th of March, but when they "ride" the ice and the ice closes they are killed by batting—that is, when the ice is jammed and they can not escape into the water.

LOBOS ISLANDS.

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The fur-seal rookery on Lobos Island, off the mouth of the Rio de la Plata and belonging to the Republic of Uruguay,

Article by Dr. J. A. Allen, Vol. I, p. 397. is one of the few that have escaped annihilation at the hands of the seal-hunter. Many fur-seals were taken here prior to 1820. Captain Morrell

(*Voyages*, p. 154) found men stationed there to take seals in 1824, and Capt. Weddell (*Voyages*, p. 142), writing in 1825, refers to Lobos Island as being farmed out by the Government of Montevideo for sealing purposes, under regulations designed to prevent the extermination of the seals. As evidence that the matter has been long managed with discretion may be cited the statistics given in the affidavits of Messrs. Emil Teichmann and Alfred Fraser (of the firm of C. M. Lampson & Co., of London), which show that the catch for the last twenty years has averaged about 13,000 a year, or a total of some 250,000 fur-seal skins. This throws into strong relief the folly of the exterminating slaughter of fur-seals that has been waged unremittingly for nearly a century throughout the southern seas.

CAPE HORN.

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Argentina also claimed possession of Staten Land at Cape Horn, and since about 1882 or 1883 we have not been allowed *Geo. Comer*, p. 597. to take seals at that point or in the waters near there, although the citizens of Argentina themselves have taken seals there every year, as I understand and believe.

ALASKAN HERD.

NECESSITY OF ITS PROTECTION.

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5. We are in thorough agreement that for industrial as well as for other obvious reasons it is incumbent upon all na-

Joint report of Bering Sea Commission, p. 309 of *The Case*. tions, and particularly upon those having direct commercial interests in fur-seals to provide for their proper protection and preservation.

NECESSITY OF ITS PROTECTION.

Opinions of naturalists.

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14. The results of pelagic sealing may be thus summarized: (1) The immense reduction of the herd at the Pribilof Islands and its threatened annihilation.

Dr. J. A. Allen, Vol. I, p. 410. (2) The extermination of the Pribilof herd will be practically accomplished within a few years if pelagic sealing is continued. (3) There will soon be too few seals left in the North Pacific and Bering Sea to render pelagic sealing commercially profitable. (4) The harm already done can not be repaired in years, even if all sealing,

whether pelagic or at the islands, be strictly prohibited for a considerable period.

I have read with great interest your report and conclusions about the causes of the decrease and the measures necessary for the restoration and permanent preservation of the seal herd on the Pribilof Islands in *Dr. Carlos Berg, Vol. I., p. 433.*

Bering Sea, and according to your wish I have the pleasure to let you know that from the standpoint of a naturalist I perfectly agree with you in considering your conclusions and recommendations justified and necessitated by the facts stated by you as a result of your special investigation on the above-named islands.

By reason of the massacres of which it is the victim, this species is advancing rapidly toward its total and final destruction, following the fatal road on which the *Dr. Raphael Blanchard, Rhytina Stelleri*, the *Monachus tropicalis*, and the *Vol. I., p. 427.* *Macrorhinus angustirostris* have preceded it, to cite only the great mammals which but recently abounded in the American seas.

Now, the irremediable destruction of an eminently useful animal species, such as this one, is, to speak plainly, a crime of which we are rendering ourselves guilty toward our descendants. To satisfy our instincts of cupidity we voluntarily exhaust, and that forever, a source of wealth which, properly regulated, ought, on the contrary, to contribute to the prosperity of our own generation and of those which will succeed it.

When we live on our capital we can undoubtedly lead a gay and extravagant life; but how long does this foolish extravagance last? And what is its to-morrow? Inextricable poverty. On the other hand, in causing our capital to be properly productive, we draw from it constantly a splendid income, which does not, perhaps, give the large means dreamed of, but at least assures an honorable competency, to which the wise man knows how to accommodate himself. By prudent ventures or by a well-regulated economy he can even increase progressively his inheritance and leave to his children a greater fortune than he had himself received from his parents. It is evidently the same with the question which occupies us, and it is for our generation an imperious duty to prevent the destruction of the fur-seal, to regulate strictly its capture—in a word, to perpetuate this source of wealth and to bequeath it to our descendants.

It would be a very easy reply to your highly interesting treatise of the fur-seal, which you have been kind enough to send us, when I only answered you that I agree with *Prof. R. Collett, Vol. I., p. 421.* you entirely in all points. No doubt it would be the greatest value for the rookeries on the Pribilof Island, as well as for the preservation of the existence of the seal, if it would be possible to stop the sealing at sea at all. But that will no doubt be very difficult, when so many nations partake in the sealing, and how that is to go about I can not know. My own countrymen are killing every year many thousands of seals and *cysto phoræ* on the ice barrier between Spitzbergen and Greenland, but never females with young; either are the old ones caught, or, and that is the greatest number, the young seals. But there is a close time, accepted by the different nations, just to prohibit the killing of the females with young. Perhaps a similar close time could be accepted in the Bering Sea, but that is a question about which I can not have any opinion.

I have followed with much attention the investigations which have been made by the Government of the United States on this subject. The reports of the commissioners sent to the Pribilof Islands have made

Dr. A. Milne Edwards, Vol. I, p. 419.

known to naturalists a very large number of facts

of great scientific interest, and have demonstrated that a regulated system of killing may be safely applied in the case of these herds of seals when there is a superfluity of males. What might be called a tax on celibacy was applied in this way in the most satisfactory manner, and the indefinite preservation of the species would have been assured, if the emigrants, on their way back to their breeding places, had not been attacked and pursued in every way.

There is, then, every reason to turn to account the very complete information which we possess on the conditions of fur-seal life in order to prevent their annihilation, and an international commission can alone determine the rules, from which the fishermen should not depart.

It is both as a naturalist and as an old commissioner of fisheries that I beg to say once more that I most entirely and

Dr. Henry H. Giglioli, Vol. I, p. 425.

most emphatically agree with you in the conclusions and recommendations you come to in your re-

port on the present condition of the fur-seal industry in the Bering Sea, with special reference to the causes of decrease and the measures necessary for the restoration and permanent preservation of that industry, which conclusions and recommendations are fully supported and justified by the facts in the case.

I am far from attributing to myself a competent judgment regarding this matter, but considering all facts which you

Dr. G. Hartlaub, Vol. I, p. 422.

have so clearly and convincingly combined and expressed, it seems to me that the measures you propose in order to prohibit the threatening decay

of the northern fur-seal are *the only correct ones promising an effective result.*

Regarding the object of your researches, I indorse your opinion that the decrease of the numbers of the fur-seal on the

Dr. Emil Holub, Vol. I, p. 432.

Pribilof Islands has been caused by pelagic sealing in the North Pacific and in the Bering Sea, and that this taking of the seals at sea has to be stopped as early as possible. * * *

If the pelagic sealing of the fur-seal is carried on still longer, like it has been executed during the last years, the pelagic sealing as a business matter and a "living" will soon cease by the full extermination of the useful animal.

Under such conditions I should say (looking at nothing but the preservation of the seals) that the best course

Prof. T. H. Huxley, Vol. I, p. 412.

would be to prohibit the taking of the fur-seals anywhere except on the Pribilof Islands, and to limit the take to such percentage as experience

proved to be consistent with the preservation of a good average stock. The furs would be in the best order, the waste of life would be least, and, if the system were honestly worked, there could be no danger of overfishing.

As to the pelagic sealing, it is evident that a systematic hunting of the seals in the open sea, on the way to and from or around the rookeries, will very soon cause the complete extinction of this valuable, and, from scientific point of view, so extremely interesting and important animal, especially as a great number of the animals killed in this manner are pregnant "cows," or "cows" temporarily separated from their pups while seeking food in the vicinity of the rookery. Everyone having some experience in seal-hunting can also attest that only a relatively small part of the seals killed or seriously wounded in the open sea can in this manner be caught. We are therefore persuaded that a prohibition of pelagic sealing is a necessary condition for the prevention of the total extermination of the fur-seal.

The only rational method of taking the fur-seal, and the only one that is not likely to result in the extermination of this valuable animal, is the one which has hitherto been employed on the Pribilof Islands under the supervision of the Government. Any other method of taking the northern fur-seal should, in my opinion, be prohibited by international agreement. I should, at furthest, approve a local pursuit of the fur-seal, where it is destructive of the fisheries in its southern winter quarters. I regard pelagic fur-sealing as very unwise; it must soon lead to a decrease, bordering on extermination, of the fur-seal.

No doubt the free pelagic sealing is a cause which will act to the destruction of the seal herds, and to that it must be put a stop as soon as possible. But, at the same time, I think that the yearly killing of about 100,000 young males on the Pribilof Islands must have some influence on the diminution of the herds, especially preventing the natural or sexual selection of the stronger males, which would follow if the young males were not killed in such a great number. So that, with the stopping of the pelagic sealing, I think that, at least for a few years, also the slaughter of so many young males in the Pribilof Islands should be prohibited.

Philip Lutley Sclater, PH. D., secretary of the Zoölogical Society of London, being duly sworn doth depose and say that in his opinion as a naturalist—

1. Unless proper measures are taken to restrict the indiscriminate capture of the fur-seal in the North Pacific he is of opinion that the extermination of this species will take place in a few years, as it has already done in the case of other species of the same group in other parts of the world.

Seals are, unfortunately migratory animals, and set out on their journeys during the winter months. This is especially true of the pregnant females. They are then hunted with constantly increasing rapacity, and are killed in the open sea by freebooters from all parts of the world. It is evident that the only remedy for such a state of things can be afforded by international protection.

*Prof. Dr. Wilhelm Lill-jeborg and Prof. Baron Adolf E. Nordenskjold,
Vol. I, p. 428.*

Dr. Alfred Nehring, Vol. I, p. 421.

Prof. Count Tommaso Salvadori, Vol. I, p. 423.

Dr. Philip L. Sclater, Vol. I, p. 413.

Having read with eager and critical attention the memoir you have addressed to me upon the condition of the fur-seal rookeries on the Pribilof Islands in Bering Sea, the causes of decrease and the measures necessary for the restoration and permanent preservation of the seal herd, I can not but completely agree with you in considering the conclusions and recommendations you arrived at quite justified and necessitated by the facts. I am also persuaded that the pelagic sealing, if pursued in the same manner in future, will necessarily end with the extermination of the fur-seal.

Opinions of London Furriers.

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And deponent further says that, in his judgment, if this pelagic sealing be not prohibited, it is a question of but a few years, probably not more than three, when the industry will cease, by reason of the extermination of the seals in the same way in which they have been exterminated on the South Sea islands by reason of no restrictions being imposed upon their killing.

Deponent has no doubt but that it is necessary in order to maintain the industry that steps should be taken to preserve the existence of the seal herd in the North Pacific Ocean and Bering Sea from the fate which has overtaken the herds in the South Seas. Of the steps, if any, which are necessary, in order to accomplish this result, deponent does not feel that he is in a position to state, as he has no personal knowledge of the regulations which at the present time exist, but it is obvious to deponent's mind that regulations of some kind, imposed by somebody who has authority and power to enforce them, are necessary to prevent the rookeries in the North Pacific Ocean from suffering the fate of the rookeries in the Southern Atlantic and Pacific seas, where, deponent is informed, no restrictions were at any time even attempted to be imposed.

Deponent says that the preservation of the seal herds found in the Northern Pacific region is necessary to the continuation of the fur-seal business, as those herds are the principal sources of supply of seal skins left in the world; and, from his general knowledge of the customs of that business, deponent feels justified in expressing the opinion that stringent regulations of some kind are necessary in order to prevent those herds from disappearing like the herds which formerly existed in large numbers off the South Pacific seas. Specifically what regulations are necessary deponent does not feel himself in a position to state.

That the maintenance of this business necessarily depends upon the preservation of the seal herds frequenting the northern Pacific regions from being overtaken by the destruction which was the fate of the seals formerly found in large quantities in the South Atlantic and South Pacific oceans.

That the continuance of the fur-seal business depends, in deponent's judgment, obviously upon the continued existence of the fur-seal herds from which the skins are derived. *Geo. Rice, p. 574.*

That the question of the preservation of the fur-seal herd has, of course, engaged deponent's attention and he has kept as close a watch on it as he was able to do without being on the ground. In regard to what might be done to preserve the herd deponent does not feel that he knows all the facts, and in consequence thereof it is difficult for him to express an opinion as to the manner in which the seal herds ought to be preserved or what regulations ought to be imposed for that purpose, but judging from the fact that for many years 100,000 seals were caught upon the Pribilof Islands without injury to the herds resorting to the rookeries on those islands, it is fair to conclude that unless some other cause intervened to diminish those herds killing that number of seals upon the islands would not have been detrimental to the herd.

The continual existence of the fur-seal business is dependent, in deponent's judgment, upon the preservation of the seal herds frequenting the Northern Pacific regions, and it is also a most important element in the industry that the supply of seal skins coming to the market each year should be regular and constant. *W. C. B. Stamp, p. 576.*

Deponent further says that some regulations are necessary for the preservation of the seal herds frequenting the Northern Pacific region, because it is a well-known fact that in the absence of any such regulations the seal herds which were formerly found in the South Atlantic and Pacific seas have been practically exterminated.

Deponent further says that the maintenance of this business, to his mind, obviously depends upon the preservation of the seal herds resorting to Bering Sea from the destruction which has overtaken the seal herds which were formerly found in the southern regions, and that whatever is necessary to be done to preserving the seal herds in Bering Sea ought to be done; but deponent having no knowledge of the business of killing seals, and having no scientific knowledge on the subject as a naturalist, is not in a position to relate what laws or regulations, in addition to those already existing, are necessary, if any such are necessary, in order to accomplish this desirable result. *Emil Teichmann, p. 582.*

Opinions of French Furriers.

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That the total production of seal-skins, which during the existence of the concession of the Alaska Company (which concession has now expired) amounted annually to 150,000 skins, is now hardly more than 70,000, coming from Alaska and the Copper Islands; that the consequence is a loss for everyone connected with the trade, for while there was an annual production of 150,000 skins there were, the deponent estimates, at least from two to three thousand persons engaged in this industry in Europe, and the natural consequence of the production having diminished by about one-half is that only about one-half the number of persons are required in the industry. *Emin Hertz, p. 587.*

That the said firm has often been informed that in order to capture one animal the persons engaged in the chase are frequently obliged to kill or wound three or four.
Emin Hertz, p. 588.

That under these circumstances and in consequence of the destruction of the females, there is no doubt in the mind of deponent that the race is in great danger of being exterminated, to the profit of a few individuals and to the detriment of an important industry which up to the present has supplied the means of livelihood to thousands of persons in Europe and America.

That the said firm believes it to be to everyone's interest that the countries interested in the question (America and Russia) should take measures to safeguard their rights from the point of view of the capture of the seals, and that if not, if this pursuit in the open sea continues as in the past two years, the said firm firmly believes that in a short time the seal will exist only as a souvenir and will be completely exterminated.

That this industry, which has produced during twenty years nearly 25,000,000 of francs annually, will have disappeared, owing to this cause, to the detriment of a very great number of persons.

That we firmly believe that if the slaughter of the Northwest coast fur-seals is not stopped or regulated, the Alaska *Leon Rerillon, p. 590.* fur-seals will disappear entirely, as is the case with the seals of the Shetland Islands, from where hardly a single seal has been received during the last ten years.

That the annihilation of the seals would be a very great loss for our country, for the fur of the seal can not be replaced by any other. It would also be a great loss for the workmen who are specially trained for the work upon these skins.

Opinions of American Furriers.

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In our opinion unless stringent measures be adopted on the part of those having authority on waters adjacent to these *C. G. Gunther's Sons, p. 532.* islands and on all contiguous bodies, the fur-seal of Alaska will soon be exterminated and this valuable industry, alike of great importance to the people of Europe and America, will have received its deathblow.

And is of the opinion that open-sea seal fishing should be absolutely prohibited, and that if the same is not done the *Herman Liebes, p. 514.* seals will within two, or at the utmost three, years be exterminated. This opinion is based upon the assumption that the present restriction imposed by the United States and Russia on the number, age, and sex of the seals killed upon the islands owned by them respectively are to be maintained.

I am of the opinion that the nations interested should arrive at some agreement by which the killing of seals in the *Samuel Ullmann, p. 527.* water will be stopped.

From my knowledge of the sealing business I am satisfied that the seals will be entirely exterminated unless protected *Elkan Wassermann, p. 458.* from the indiscriminate pursuit in the waters that has been going on for the last few years.

Deponent believes and says that if unrestricted pelagic sealing be allowed to continue throughout the whole of Bering Sea, not only will the United States Government soon be deprived of a considerable annual revenue, and over 2,000 English workmen of skilled employment, of which they now have a practical monopoly, but a portion of the civilized world will hereafter be deprived of a useful and valuable fur-bearing animal; and a great and irreparable injury will thus be done to various legitimate industries which have been built up by the authorized lessees of Russia and the United States and the firm of C. M. Lampson & Co., which industries are confined to one locality and which if fostered promise to continue in existence for an indefinite length of time; while in return for such injury there will be only a comparatively slight benefit of a few years' duration to a comparatively small number of men.

It is safe to say that these animals are all United States property, and having been born on United States soil and reared in United States waters in the twenty-one years that have elapsed since the cession of Alaska by Russia, and having the instinct of regular return to their home, which accords them a status in law, they would seem to be entitled to the protection of their Government, while they are in the acknowledged boundaries of their country.

To open the sea and the rookeries to the taking of seal by any who choose to seek them would be simply to surrender the herd to destruction. But a danger menaces the system and the seals which the Government alone can avert, viz, the intrusion of foreign vessels with armed crews in the waters of Bering Sea, with intent to kill seal in the water between the Aleutian chain of islands and the Pribilof group. In this water the seal rest and sport after their long migration; "here the females, heavy with young, slowly nearing the land, sleep soundly at sea by intervals, reluctant to haul out of the cool water upon the rookeries until the day and the hour which limits the period of gestation;" here, with gun and spear and drag net, these marauders desire to reap their harvest of destruction and for their selfish greed exterminate the animal which now, under the wise policy of Congress, plays so important a part in the economy and distribution of commerce. Three years of open sea would suffice in these waters to repeat the story of the southern ocean and the fur-seal would be of the past, and a valuable industry would be obliterated forever. Let the sea be open to all commerce that harbors no evil intent, but protect the seal life that swims in its waters and "hauls" on its shores. Let the sea be as free as the wind to all legitimate commerce, but protect the unique possession of seal life that harms none and benefits thousands.

Opinions of Pelagic Sealers.

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The extermination of the animals and of the industry will be swift and sure unless the female seals are protected from the devastation now going on, and I do not believe it possible to protect them as they should be unless the North Pacific as well as Bering Sea is included in any measures adopted to this end.

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Q. Is it your opinion, if sealing continues unrestricted, that they will soon be exterminated?—**A.** They will, in my opinion, not be entirely exterminated should sealing continue there as usual, but it will make the business of seal-catching so unprofitable that no one will desire to engage in it, I think.

It is only a question of three or four years, if this indiscriminate slaughtering of seals is not stopped, they will become exterminated.

Wm. Brennan, p. 363. It is not alone in Bering Sea that the pups and cows are destroyed. Keep all vessels out of these waters, and let the same number of vessels as are now afloat hunt seals in the North Pacific, and in a few years there will be none in Bering Sea. If the present number of vessels engaged in sealing is permitted to continue in the business from two to five years longer I think the seals will be exterminated, or nearly so. I am certain the seals are doomed to extinction unless some immediate action is taken to protect them from the slaughter that is now going on. The sealers care nothing about preserving the seals, and say that the smaller the catch is the more valuable the skins will become in the market, and the higher the prices paid for them. In their whole conduct of the business they are controlled by the desire to kill as many as possible in order that they may enhance the value of future catches.

Henry Brown, p. 318. If pelagic sealing is continued, especially with guns, in a few years the seal herd will become commercially destroyed.

Jas. W. Budington, p. 596. Killing seals without reference to age or sex is bound to exterminate the species in a very short time, and it seems to me that unless something is done in the northern sealing grounds the industry will soon be as unprofitable as it is in the Southern Hemisphere.

Danl. Claussen, p. 412. **Q.** Is it your opinion, if sealing continues unrestricted, that they will soon be exterminated?—**A.** I think so; yes, sir.

Peter Collins, p. 413. And if something is not done to protect them from slaughter in the North Pacific and Bering Sea, they will all be gone in a few years.

Geo. Comer, p. 598. If there had been strict regulations enforced, allowing us to kill only young "wigs" and not to disturb the breeding seals, I am convinced, and have no doubt, that (Antarctic.) all these rookeries would be full of seals to-day. It has been the indiscriminate killing which has caused the practical extermination of the fur-seals in the Southern Hemisphere.

F. F. Feeny, p. 220. In my opinion, if the seals are not harassed and hunted at sea they will increase, and to preserve them from extermination pelagic hunting must be stopped.

Q. Is it your opinion, if sealing continues unrestricted, that they will soon be exterminated?—*Luther T. Franklin, p. 428.*
 A. Certainly they will.

Q. Is it your opinion, if sealing continues unrestricted, that they will soon be exterminated?—*A. 428.*
 Yes; I think they will.

And if the large fleet of vessels going to these waters annually continues to hunt in the future as in the past few years it is bound to exterminate the seal. *Thos. Gibson, p. 432.*

I think that pelagic sealing should be stopped. Eight months in a year is too much to hunt any animal, and the seal will soon become exterminated if this pelagic sealing is allowed to continue. *Jas. Griffin, p. 434.*

Q. If you people are allowed to kill female seals still, is there any danger of exterminating them, do you think, supposing you go on and kill them promiscuously?—*A. I 435.*
Chas. G. Hagman, p. 435.
 would be afraid that we would thin them out.
 I will not say exterminate them, but thin them out.

Q. If sealing continues as heretofore is there any danger of exterminating the herd?—*A. At this rate; yes, sir.* Just keep at it and it will be only a few years before it will do away with the whole business. *H. Harmsen, p. 443.*

Q. Is it your opinion, if sealing continues unrestricted, that they will be soon exterminated?—*A. I am of that opinion;* *Wm. Henson, p. 484.*
 yes, sir.

Q. Is it your opinion, if sealing continues unrestricted, that they will soon be exterminated?—*A. Andrew J. Hoffman, p. 447.*
 A. Yes, sir; it is.

Q. Have you any experience as to the habits of the fur-seals?—*A. Only following them up hunting.* I have been listening to your questions to Capt. McLean and *Gustave Isaacson, p. 439.*
 I have the same idea, except as to the protection.
 I think they ought to be protected everywhere they can, both outside and inside the sea.

Q. If sealing continues as heretofore, is there any danger of exterminating them?—*A. Yes, sir; I think a few years* *Gustave Isaacson, p. 440.*
 will do that.

Q. Do you consider it necessary to protect the seals in the North Pacific?—*A. Yes, sir; it will be necessary to protect them anywhere where it can be done.*

Q. If sealing continues as heretofore, is there any danger of exterminating the herd?—*A. Yes,* *Frank Johnson, p. 441.*
 sir; I think so.

If hunting is not stopped on the islands in Bering Sea and the North Pacific Ocean the seal must become exterminated. *J. Johnson, p. 331.*

It is very important that the seals be protected in the waters of the North Pacific and Bering Sea from being killed by hunters, or they will be so near exterminated in a short time that it will pay no one to hunt them.

I think if something is not done to protect seals in the North Pacific and Bering Sea they will become exterminated
Wm. H. Long, p. 458. in a very few years.

Q. If sealing continues as heretofore, is there any danger of exterminating them?—*A. If they continue as they have been since I have been in business I will give them another ten years; after that the sealing business will be about finished. It will not justify anyone to fit out from here or anywhere else, and people that look after the sealing interests, I do not think they will benefit anything by it, if they don't protect the seal life at present.*

Q. If sealing continues as heretofore, is there any danger of exterminating them?—*A. Yes, sir; they will all be ex-
Dan'l. McLean, p. 444. terminated in three years, and there will be no more sealing.*

Jas. Maloy, p. 463. Something certainly should be done to stop the killing, or there will be none left in a very short time.

Q. Is it your opinion, if sealing continues unrestricted, that they will soon be exterminated?—*A. There certainly will Frank Moreau, p. 468. not be as many in a few years as there are now.*

With the present increasing fleet of sealing vessels the seal herd will soon become exterminated unless some restrictions are placed upon pelagic sealing.
John Morris, p. 340.

I have no doubt in my own mind that unless some restrictive measures are taken, the seals will either be eventually exterminated or become so scarce it will not pay to hunt them. The fleet has increased greatly in the last few years, and will continue to do so as long as there is money in the business.

If something is not done to protect seals in the North Pacific and Bering Sea, they will become exterminated in a very few years.
Niles Nelson, p. 470.

In my opinion, it is a shame to kill the female seal before she has given birth to her young. Pelagic sealing in the North Pacific Ocean before the middle of June is very destructive and wasteful and should be stopped.
Wm. Short, p. 348.

If seal are not protected in the North Pacific Ocean and given a chance to raise their young, they must soon be exterminated, for most of the seals killed in the Pacific Ocean are cows with pup.
Fred. Smith, p. 349.

The seals are gradually being killed off by the hunters, and something should be done to protect them and stop the killing of female seals or they will soon be all gone. *E. W. Soron, p. 479.*

Q. Is it your opinion if sealing continues unrestricted that they will be soon exterminated?—A. It is my opinion that if sealing continues as usual they will be soon ex- *Gustave Sundvall, p. 481.* terminated, and not before a great while, either.

I am satisfied from my experience that they must protect the seals in Bering Sea. If not they will soon be killed off. It may also be necessary to protect them in the *Adolph W. Thompson, North Pacific, for the catch in those waters are p. 486.* nearly all females carrying their young.

I think if sealing was stopped in Bering Sea that seal would become more plentiful along the coast, and if it is not stopped the herd will soon be destroyed. *Peter Trearsheet, p. 271.*

If it be the desire of the Government to perpetuate them, it is very important that they be protected in the North Pacific as well as in the Bering Sea, since it has been my observation that the seals are easily alarmed, and the killing of them with firearms has a tendency to frighten the herd; nor do I think it possible to preserve the herd if the great slaughter of female seals is to be continued. I also believe that if sealing is stopped in the Bering Sea only, such fact would tend to increase the price of seal-skins, and there would be a much larger fleet fitted out for sealing in the Pacific than now, which would destroy the herd and prevent it from going into the Bering Sea. This opinion is based on the well-known fact that the value of seal-skins is increased by the decrease in the number taken; and the higher the price of skins the greater the inducement to fishermen to hunt them in the North Pacific, which would soon destroy the seal-fishing industry everywhere.

Opinions of Indian Hunters.

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I think the white men should be stopped from killing seal off the coast of Alaska so that they will become plenty *Akatoo, p. 237.* again.

We believe that in order to permanently pre- *Jno. Alexandroff et al., serve the fur-seal life pelagic hunting should be p. 229.* stopped.

If pelagic sealing was stopped in Bering Sea and the Pacific Ocean, seals would become plentiful once more and the natives of Alaska could again make money by catching them. *Adam Ayonkee, p. 255.*

And they will soon be all gone unless schooners are all stopped from hunting seal along the coast *Johnny Baronovitch, p. 276.* of Alaska.

I think the schooners should be prohibited from hunting seal out in
Maurice Bates, p. 277. the water off Prince of Wales Island, so that the seal will become plentiful again.

Ivan Canekak et al., p. 230. We believe that, in order to permanently preserve fur-seal life all pelagic hunting should be stopped.

I think that if the schooners were prohibited from hunting seal in the North Pacific Ocean and Bering Sea the seal
S. Chin-koo-tin, p. 257. would soon become plentiful along the coast.

If the schooners are stopped from taking seal off Prince Edward Island the seal will become plenty, and the Indians
Charlie Dahlin, p. 278. can kill them as they did a long time ago. Now the Indians can get very few.

I think the schooners should be stopped from hunting seal so that the seal may become plentiful on the coast and
Echon, p. 280. the Indian may again have a chance to get them. It makes me feel bad to think the seal are most all gone and we can't hunt them as our fathers used to.

Vassili Feodor, p. 231. I think fur-seals would increase if all hunting at sea was stopped.

I think the schooners ought to be prohibited from hunting seal, so the Indians could again get them again. Now they are obliged to go a long way in the canoes, and often go many days without seeing a seal, and come back tired.
Frank, p. 294.

I think if the white men were prohibited from taking seal around Duxons Entrance, Prince of Wales Island, and in
Chas. Gibson, p. 281. Queen Charlotte Sound the seal would become plenty once more, and the Indians could catch them again as they used to do.

Gonastut, p. 238. Seal will soon be no more unless the Great Father stops the schooners from hunting.

Jas. Gondowen, p. 259. Think if all pelagic sealing was stopped in Bering Sea and the North Pacific Ocean seal would again become plentiful.

Jas. Hartlienuk, p. 239. I think if the schooners were prohibited from sealing they would become plentiful on this coast again.

If the Great Father does not stop schooners from hunting seal along the coast of Alaska and in Bering Sea, the seal
Sam. Hayikahla, p. 239. will soon be gone and the Indian must starve that makes his living by hunting them.

I think all schooners should be stopped from hunting seal off Prince of Wales Islands, so the seal would become plentiful once more and the Indians could catch them again. *Johnnie Johnlin, p. 283.*

And unless this pelagic hunting is stopped in the North Pacific Ocean and Bering Sea the seal will soon all be gone, and the Indian hunters will have to dig clams in order to keep from starving. *P. Kakiktday, p. 261.*

If pelagic seal hunting was stopped in the waters of the Pacific Ocean and Bering Sea, seal would become plentiful once more. *M. Kothusduck, p. 263.*

All sealing in open waters by white men should be stopped. *Kinkooga, p. 240.*

I think the seal are hunted so much by schooners that they have no chance to get their food or anything else, and unless this is stopped seal will soon all be gone, and none will be left for the Indians. *C. Klananeck, p. 263.*

I think the schooners should be prohibited from hunting seal off Prince of Wales Island, so they can become plenty again. *Robert Kooko, p. 297.*

I think if all vessels were stopped from hunting seal in Bering Sea and the Pacific Ocean, the seal would again become plentiful. *Jno. Kowinest, p. 264.*

Unless the schooners are stopped the seals will all be gone soon, and then I do not know what my people can do for a living; they know nothing of other work and there is nothing else at the seal islands. *Nicoli Krukoff, p. 133.*

I think if schooners were prohibited from sealing in the open waters of Bering Sea and the North Pacific Ocean, seal would again become plentiful along this coast. *Geo. Lacheek, p. 265.*

There are too many schooners hunting off the Prince of Wales Island and Dixons Entrance, and if they are not stopped they will soon be all gone. *Fredk. Mason, p. 284.*

I think if the schooners were prohibited from taking seal they would become plentiful as they were years ago. *Fredk. Mason, p. 285.*

Unless all seal hunting is stopped in the water, the seal, like the sea-otter, will soon be all gone. *Smith Natch, p. 299.*

I think if the schooners are not prohibited from hunting seal they will soon become as scarce as the sea-otter now is. *Dan. Nathlan, p. 287.*

I think if the schooners were prohibited from taking seal they would become plentiful again. *Jos. Neishkaik, p. 287.*

Nikla-ah, p. 288.

I think if the schooners are not stopped from hunting seal, the seal, like the sea-otter, will soon be all gone.

It would be a good thing for the Indians if the schooners were prohibited from sealing in the Bering Sea and the North Pacific Ocean; if it is continued the Indians who depend on fur-seal for a living must starve.

And unless something is done to prohibit the schooners from hunting seal off Queen Charlottes and Prince of Wales islands there will be no seals left for the Indians.

Abel Ryan, p. 299. I think the Great Father should stop all schooners from hunting seal in Bering Sea and the Pacific Ocean, so the seal would become plentiful again and the Indian hunters would again have a chance to kill them.

Shoowosoh, p. 244. I think the Great Father should stop all sealing by schooners in the North Pacific Ocean and the seal would again become plenty, so the Indians could again kill plenty of them.

Jack Shucky, p. 289. If the schooners are allowed to hunt seal any longer the seal will soon all be gone.

I think that if schooners were stopped from sealing in Bering Sea *Martin Singay, p. 268.* and the North Pacific Ocean seal would again become plentiful.

Jack Sitka, p. 269. I think the schooners should be prohibited from sealing in the North Pacific Ocean and Bering Sea. If that was done seal would become plentiful along the coast.

Skeenong, p. 244. I think the schooners should be stopped hunting seal in the open waters of the Pacific Ocean and Bering Sea, and if they are not stopped at once the Indians who hunt fur-seal on the coast of Alaska for a living will become very poor and probably starve to death.

James Unatalim, p. 272. Think if sealing by the schooners in the open waters of the North Pacific and Bering Sea was prohibited the seal would again become plentiful along the coast.

Charlie Wank, p. 273. Think if all pelagic seal hunting was stopped the seal would increase along the coast and become plentiful once more.

Billy Williams, p. 301. Hunting seal by white man must be stopped or the seal will soon be all gone.

Fred Wilson, p. 301. I think that all vessels should be prohibited from hunting seal in the water, to give the seal a chance to increase again. If something is not done the seal will soon be all gone and will soon be as scarce as the sea-otter.

I think if all pelagic seal hunting was stopped *Michael Wooskoot, p. 275.*
seal would soon become plentiful on the coast.

And unless they are stopped from hunting them
in schooners, the seal, like the sea-otter, will soon
be all gone. *Billy Yeltachy, p. 302.*

Opinions of Other Witnesses.

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And should pelagic sealing in the North Pacific and Bering Sea con-
tinue, it is only a question of a very few years
when seal in these seas, and especially at the seal *W. C. Coulson, p. 415.*
islands, will be a thing of the past, for they are
being rapidly destroyed by the killing of females in the open sea.

If the seal life is to be preserved for commercial purposes, the seals
must be protected, not only in the Bering Sea,
but in the water along the Pacific coast from the *W. C. Coulson, p. 416.*
Aleutian Passes to the Columbia River.

I believe the days of the fur-seal are pretty much over, and if the
remnant is to be saved, they must be protected in
the waters of the North Pacific as well as in those *Leander Cox, p. 417.*
of Bering Sea, from the rifle and shotgun of the
hunter. I am of the opinion that it will take careful nursing for some
years, under the most favorable circumstances, to restore the number
of seals to anything like what it was prior to 1878.

I have had ample opportunity to form an opinion in regard to the
effect upon the herd of the killing of female seals.
The female brings forth a single offspring annu- *W. H. Dall, p. 24.*
ally, and hence the repair of the loss by death is
not rapid. It is evident that the injury to the herd from the killing of
a single female, that is, the producer, is far greater than from the death
of a male, as the seal is polygamous in habit. The danger to the herd,
therefore, is just in proportion to the destruction of female life. Kill-
ing in the open waters is peculiarly destructive to this animal. No
discrimination of sex in the water is possible, the securing of the prey
when killed is, under the best of circumstances, uncertain, and as the
period of gestation is at least eleven months, and of nursing three or
four months, the death of a female at any time means the destruction
of two, herself and the foetus, or, when nursing, of three, herself, the
nursing pup, and the foetus. All killing of females is a menace to the
herd, and as soon as such killing reaches the point, as it inevitably
must if permitted to continue, where the annual increase will not make
good the yearly loss, then the destruction of the herd will be equally
rapid and certain, regarded from a commercial standpoint, though a
few individuals might survive.

I have conversed with a great many persons who have been engaged
in sealing in the northern waters, and their uni-
form testimony is to the effect that the open-sea *Jas. H. Douglass, p. 419.*
hunting is rapidly destroying the fur-seals, and
that it is only a question of a few years until they entirely disappear if
the pelagic sealing continues.

I am of the opinion, from what I know of the habits and nature of the fur-seal and what I have learned of open-sea sealing, that the Pribilof seal herd should be protected in all waters which they frequent. Otherwise it is only a matter of a very short time before they will be exterminated.

If the seals become extinct, I can not conceive what these natives would do for a livelihood; they know no other occupation save seal driving, which has been pursued by them and their ancestors for a century. The destruction of the seal herd would result in removing their sole means of sustenance and in their being plunged into poverty, and probable return to barbarism. The only way to keep them from starvation would be to remove them from the islands, and for the Government to support them.

The Pribilof seal herd should be protected, both in Bering Sea and the North Pacific Ocean, because the injury to seal life, bringing about a decrease in the size of the herd, is caused by the slaughter of females in the open sea. If the seals are thus protected, and the existing methods and regulations are carried out on the islands, the seal herd will not decrease, but on the contrary, in my opinion, will increase. If the seals are not protected in these waters the herd will be exterminated in a very short time. It is only, therefore, by protecting the seals everywhere in the sea and ocean that seal life can be preserved.

The natives, for whom I am entitled to speak, as being one of them, and receiving a share from the proceeds of the sealeries, protest that the United States Government ought to have protected the rookeries against deep-sea seal fishing, because we believe the seals rightly belong to us and should not be killed when they are away from their island home. We earnestly pray for the protection to which we are justly entitled.

The ruthless practice of killing seals by shooting them in the sea is not only extravagant in the loss of skins, but is also a wanton and useless destruction of a valuable and useful animal, and must necessarily soon lead to its extermination if not discontinued.

It will be readily seen that the demoralization produced by a sealing fleet of fifty to a hundred vessels with from 1,000 to 2,000 men scattered over the sea, hunting and shooting indiscriminately, would soon put an end to all seal life in those waters.

Owing to the decrease of fur-seals on our own coast, marine hunters have, during the last few years, turned their attention to the Asiatic waters, and are now hunting them there. These Asiatic seals have their breeding grounds on the Commander Islands and Robben Banks. Last year several additions were made to the Asiatic fleet, and large catches were secured in those waters, including the fitting out of still further expeditions this season for the same business. The distance is so great from this coast, and typhoons are so liable to be encountered, that

much larger vessels are fitted out, and equipped with more boats to each vessel than on the American side of the Pacific. Unless restricted, they will, in a very few years, by the destruction of the breeding seals, deplete these rookeries, as they have those of Alaska. In fact, two years ago last year, this depletion had already become apparent, and last year the Russian officer in charge ordered the catch to be reduced. I feel convinced, and it is the opinion of others familiar with the business, that it will be impossible for the company having the privilege of sealing there, to take this year even the 30,000, to which the quota is now reduced.

The business of pelagic sealing, if permitted to be carried on in the northern waters, must soon result in the extermination of the seal life and the destruction of a great and valuable industry. It must produce untold poverty and distress among the native people of the seal islands, and in various adverse ways affect the material interests of other Alaska settlements and communities.

As one result of my study of seal life on the islands I have come to the conclusion that if pelagic sealing in Bering Sea and North Pacific should continue for a period of five years to the same extent as now practiced, seal life upon the Pribilof Islands will have become extinct.

In contemplating this destruction, the natives of the seal islands are most deeply interested, for they are wholly dependent upon the seals for a livelihood. The ancestors of the three hundred people now upon the islands were taken there more than one hundred years ago, and their descendants have been born and bred to their occupation of seal killing and know no other. Prior to 1868 the Russians furnished them only indifferently well with coarse articles of food and clothing which the seals did not supply, but left them to live in unhealthy conditions in their damp underground houses, often unsupplied with fuel and not infrequently short of food. Under the liberal management of the Americans they have been provided with comfortable wooden houses, an abundance of coal to heat them, warm clothing, well-taught schools in comfortable schoolhouses, attractive churches in the Greco-Russian faith, to which they are devotedly attached, and, in short, with all the comforts and many of the luxuries of civilization. With these surroundings they have made remarkable progress, rendered possible by their income of more than \$40,000 per annum from the seal fisheries, without which they are left in absolute poverty, and must either leave their island home in search of other employment of which they know nothing, rely upon the charity of the Government for meager support, or starve. They rightly charge these dire alternatives upon the pelagic seal hunters, who have ruthlessly destroyed the herd in which every native had a certain vested right, in the exercise of which he deserved the protection of the Government into whose care he has come.

And it is plain to anyone familiar with this animal that extermination must soon follow unless some restrictive measures are adopted without delay.

Dan'l Webster, p. 184.

There can be no question that if the seals are not protected, and this tremendous slaughter that is now going on in the sea is not immediately stopped, there will be a total destruction of the herd in a very short while.

Theo. T. Williams, p. 495.

I suppose that if everyone could kill seal in the Bering in a few years the seal would all be dead except the males, and in time the seals would be exterminated.

Theo. T. Williams, quoting Capt. Olsen, p. 505.

MEANS NECESSARY.

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The maintenance of the birthrate, the vital and essential element in the preservation and perpetuation of the herd, requires the preservation of the whole of the class of breeding females, while only a small number of virile males are necessary or at all concerned in the matter.

Report of American Commissioners, p. 351 of The Case.

This is the great essential difference between the importance of the life of the female and that of the male to the conservation of the herd, and it is the fundamental proposition on which hangs the solution of the whole problem.

ABSOLUTE PROHIBITION OF PELAGIC SEALING.

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If the destruction of seals at sea is wholly suppressed it will result in restoring the rookeries to their former productiveness. But no partial measure of protection should be undertaken, because it can not be enforced.

W. C. Allis, p. 99.

N. W. Andersen, p. 223. For the preservation of seal life pelagic hunting should be stopped.

Andrew Anderson, p. 218. I believe that in order to preserve fur-seal life pelagic hunting should be stopped absolutely.

C. H. Anderson, p. 206. And am of the opinion that if such sealing were absolutely suppressed the species would again increase.

Johnny Baronovitch, p. 276. I think if the schooners were all stopped from hunting seal they would become plentiful once more, and the Indians could catch them as they used to.

Wilton C. Bennett, p. 387. I think that all pelagic hunting should be stopped, so that seal would have a chance to increase.

I think schooners should be prohibited from hunting seal in the North Pacific Ocean to give them a chance to increase again.

Edward Benson, p. 278.

Deponent says while he does not wish to express any opinion upon the matters which are in controversy, that nevertheless, looking at the question of preserving the seals from a natural-history point of view alone, and having no regard whatever to the rights of any individuals or nations, but looking at the matter simply from the point of view of how best to preserve the seals, he has no hesitation in saying that the best way to accomplish that object would be to prohibit absolutely the killing of all seals except upon the islands, and, furthermore to limit the killing of seals on the islands to the male species at particular times, and to limit the numbers of the males to be so killed. If, however, the rights of individuals are to be considered, and sealing in the open sea is to be allowed, then deponent thinks that the number of vessels to be sent out by each country ought to be limited, and the number of seals which may be caught by each vessel should be specified.

Deponent says that one reason why he thinks the killing of seals in the open sea should be prohibited and all killing limited to the islands is because deponent is of the opinion that when seals are killed in the open sea a large number must be killed which are not recovered, and consequently that the herds must suffer much greater loss than is measured by the skins of the seals caught or coming to market.

Deponent further says that one reason for this opinion is that he has had some small experience in shooting hair seals in the Scilly Islands, and has himself personally killed hair seals at a distance of 40 or 50 yards, which sank before he could reach them. Hair-seals are of the same general family as the fur-seals, and he has no doubt that the same thing occurs, and must occur, when the fur-seals are killed on the open sea.

It is my opinion that for the proper preservation of fur-seal life, all pelagic hunting should be stopped absolutely.

J. A. Bradley, p. 227.

I am of the opinion that the Pribilof seal herd should be protected throughout Bering Sea and also in the North Pacific Ocean.

Charles Bryant, p. 9.

In my judgment pelagic seal hunting should be absolutely prohibited both in Bering Sea and the North Pacific. In case there is not such prohibition the Pribilof seal herd will be either exterminated in a very short time or else the few which escape from the indiscriminate slaughter of pelagic hunters will be driven from the Pribilof Islands.

It will be necessary to prevent at once further open-sea or coastwise killing of seals, both in Bering Sea and northern Pacific Ocean, if they are to save them from extinction on the Pribilof Islands. * * *

And if the pelagic hunter and his destructive methods were banished from the waters of the Bering Sea and North Pacific it would be but a few years when these islands would again be teeming with seal life.

I do not think it possible for seals to exist for any length of time if the present slaughter continues. The killing of the females means the death of her born or unborn pup, and it is not reasonable to expect that

Jas. L. Carthout, p. 409.

this immense drain on the herds can be continued without a very rapid decrease in their numbers, and which practically means extermination within a very few years. If the seals are to be saved there must be no killing at any time in the waters of Bering Sea, and it is also very important for their preservation that no females be killed in the North Pacific. They must be protected in both of these waters or they will be exterminated.

Knowing that pelagic hunting is the cause of the decrease in fur-seal life, we are in favor of its entire and absolute suppression and prohibition in order that said fur-seal life may be saved from extermination.
Vassili Chichinoff et al., p. 219.

Peter Church, p. 257.

I think all pelagic sealing should be stopped, so that seal would have a chance to increase.

Jno. C. Clement, p. 258.

And if pelagic sealing was stopped altogether, the seal would then become plentiful.

After twenty-two years' experience in Alaska in the fur business I have no hesitation in saying that if the fur-seal species is to be saved from extinction all pelagic seal-hunting must cease, as it is absolutely necessary that the female fur-seal should be allowed access to a rookery in order safely to deliver her young.
M. Cohen, p. 225.

Upon the amount of protection depends the safety of the seal herd in the future. If protected only upon the Pribilof Islands extermination will be rapid; if they are protected upon the islands and in the waters of Bering Sea also the decrease will be slower, but ultimate extinction will probably follow. To preserve them completely it is necessary that they should be protected in all waters, which they frequent at all times. Killing upon land can be regulated and interference with the females rigidly prohibited, but all killing at sea is indiscriminate and uncontrollable, and hence fatal in its consequences if carried on to any serious extent. Regarded as a factor in the world's commerce, extinction means, and is here used to mean, a diminution so great that the catch would not pay for hunting, without reference to the fact that a few scattered individuals may long survive the general mass.

Wm. Foster, p. 221.

In my opinion, in order to preserve the fur-seals, all pelagic sealing should be stopped.

Deponent further says that in his judgment the absolute prohibition of pelagic sealing, i. e., the killing of seals in the open sea, whether in the North Pacific or the Bering Sea, is necessary to the preservation of the seal herds now surviving, by reason of the fact that most of the females so killed are heavy with young, and that necessarily the increase of the species is diminished by their killing. And further, from the fact that a large number of females are killed in the Bering Sea while on the search for food after the birth of their young, and that in consequence thereof the pups die for want of nourishment. Deponent has no personal knowledge of the truth of this statement, but he has information respect of the same from persons who have been on the Pribilof Is-

lands, and he believes the same to be true. Deponent further says that this opinion is based upon the assumption that the present restriction imposed by Russia and the United States on the killing of seals in their respective islands are to be maintained, otherwise it would be necessary to impose such restrictions as well as to prohibit pelagic sealing in order to preserve the herds.

I am, therefore, of the opinion that pelagic sealing should be absolutely prohibited both in Bering Sea and the North Pacific Ocean. If this is done and a few years are allowed the seal herd to recover from the enormous slaughter of the past seven years, the Pribilof Islands will produce their 100,000 skins as heretofore for an indefinite period. *Chas. J. Goff, p. 113.*

We think that for the proper preservation of the fur-seal species, all pelagic hunting should be stopped absolutely. *Nicoli Gregoroff et al., p. 234.*

It is my opinion, that for the proper preservation of fur-seal life all pelagic hunting should be prohibited and stopped absolutely, as I think the female seal should have access to a rookery in order safely to deliver her young. *A. J. Guild, p. 232.*

I think that a close season at the Pribilof Islands for several years and the absolute suppression of pelagic sealing will cause the fur-seal species, or such of them as frequent the Pribilof Islands, to increase, though slowly, to their former numbers. *Chas. J. Hague, p. 208.*

Unless [pelagic hunting is] discontinued they will soon become so nearly extinct as to be worthless for commercial purposes. *J. M. Hays, p. 27.*

I firmly believe that the fur-seal industry at the Pribilof Islands can be saved from destruction only by a total prohibition against killing seals not only in the waters of the Bering Sea but also during their annual immigration northward in the Pacific Ocean. *M. A. Healy, p. 28.*

This conclusion is based upon the well-known fact that the mother seals are slaughtered by the thousands in the North Pacific while on their way to the islands to give birth to their young, and extinction must necessarily come to any species of animal where the female is continually hunted and killed during the period required for gestation and rearing of her young; as now practiced there is no respite to the female seal from the relentless pursuit of the seal hunters, for the schooners close their season with the departure of the seals from the northern sea, and then return home, refit immediately and start out upon a new voyage in February or March, commencing upon the coast of California, Oregon, and Washington, following the seals northward as the season advances into the Bering Sea.

It is my belief that in order to preserve fur-seal life from extermination all pelagic hunting should be stopped and Bering Sea closed. *Norman Hodgeson, p. 368.*

In such a case as this I do not believe that the enforcement of a close time, either in Bering Sea or on the north-west coast, would be of any practical utility, unless the fishing is absolutely prohibited.
Prof. T. H. Huxley, Vol. I, p. 412.

Granting that open-sea seal hunting is to be allowed, the use of the gun should be absolutely prohibited, and a close time established which should extend from the beginning of the year until all gestation is finished. Further to protect the nursing female seals, it will be necessary to prohibit sealing within a zone extending at the very least 100 miles from the rookeries, in order that the females may be unmolested while feeding, and even under such restrictions there is no doubt many pups would die of starvation through the death of their mothers, which would be killed outside the protected zone. This method of protection I suggested to several owners and captains of the sealing vessels at Victoria, who all approved of the plan, naturally, to a certain extent, from selfish reasons. In my own opinion, however, the most perfect method of protecting the Alaska seal is to kill only the young bachelors, and as this discrimination can be made on shore alone, it naturally restricts all killing to the Pribilof Islands.

Owing to the steady decrease in fur-seal life of late years, due to the large number of vessels hunting them at sea, it is my opinion that in order to save the species from extermination all pelagic hunting of fur-seals should be prohibited and stopped absolutely.
Frank Korth, p. 235.

And believe that in order to preserve the species from actual and speedy extermination all pelagic hunting should be stopped absolutely, and the waters of Bering Sea closed.
Jas. E. Lennan, p. 370.

I believe that in order to preserve fur-seal life it is necessary to absolutely stop pelagic hunting and maintain a close season against killing for skins on the Pribilof Islands.
E. W. Littlejohn, p. 457.

Think if all pelagic sealing was stopped the seal would become plentiful again. If they keep on hunting them they will soon be exterminated.
J. D. McDonald, p. 287.

I am fully convinced from my knowledge of seal matters that if this indiscriminate and reckless destruction of the Pribilof seal herd continues as it has done in the past six years in Bering Sea and the North Pacific, the seals will be practically exterminated in a very few years, even if the United States Government should not allow any seals to be taken on the Pribilof Islands, for the destruction of females in the water has reached a number that can not be met by the annual increase.
H. H. McIntyre, p. 46.

In my judgment the seals should be protected in Bering Sea and the North Pacific, and that pelagic sealing should be entirely prohibited in the said waters.

And that the prohibition of such poaching is necessary to the preservation of the herds, and that from what he has himself seen he thinks, if such poaching be not prohibited the herds will be practically exterminated within five years.

T. F. Morgan, p. 65.

I think all the schooners ought to be stopped catching seal, so the Indians could catch them again.

Matthew Morris, p. 286.

I believe, to avoid certain extermination of the Pribilof seal herd in the near future, that they must be protected in Bering Sea and in the North Pacific Ocean. Pelagic sealing must be absolutely prohibited, because the majority of seals killed in this way are pregnant or milking females, and this is certain to cause extinction of the species very soon, if continued. If pelagic sealing is stopped, and the present regulations enforced on the islands, the seal herd will slowly but surely increase again, as they did before pelagic sealing had grown to such proportions as to affect seal life.

J. H. Moulton, p. 32.

If this pursuit were stopped altogether, I think the fur-seal species would increase again, although very slowly.

Arthur Newman, p. 271.

Unless the pelagic hunter is prevented from taking seals in Bering Sea and in the North Pacific, the Alaskan fur-seal will soon cease to be of commercial value.

L. A. Noyes, p. 84.

If the schooners were stopped hunting seal, they would become plenty once more, and my people would get plenty once more, and they need them very much.

Peter Olson, p. 289.

In regard to the broad question of the protection of the seal life at our possessions in the Bering Sea, I have clear and decided views. I think there has been a criminal waste of this most precious animal life, and that the whole recent era of destruction should have been averted by the prompt and forcible interference of the Government. It is a great industry, that deserves the fullest protection, whether the Government and people of the United States, or those of Great Britain, or Canada, or Russia, are concerned. All have interests more or less in common in the perpetuation of the seal life and the preservation of this industry. The destruction of the seals results only in loss to all. When they are gone, there are no longer any seals to quarrel over and no need of the *modus vivendi*. I believe that our Government should have sought the coöperation of that of Russia, and that they should jointly have thrown a powerful fleet into those waters and protected the common interest. There is no question in my mind but that a vast deal of the destruction which has been going on in recent years is directly due to the lawless killing in the open sea on the annual migrations of the female seals northward to the seal islands for the purpose of bearing their young, and later, on their voyages from the rookeries to the adjacent fishing banks in search of food. You can no more preserve the seal life at these islands with these destructive methods in vogue than you could preserve a band of sheep or any race of domestic animals by turning

H. G. Otis, p. 88.

loose a pack of wolves to raid them between their pasture grounds and their corrals. A fur-seal is an animal of high and fine organism, with wonderful delicacy and sensitiveness, and however much attached to their natural land habitat they may be, are easily driven therefrom by violent methods, whether upon land or in the water. The whole secret, in my judgment, of the preservation of the seal life at the Pribilof Islands and in the Bering Sea lies in a prompt return to those early methods of preservation which produced such marvelous results for good during the earlier years of our possession of the islands. The suppression of unlawful and miscellaneous seal killing, whether in the open sea or along our northern coasts, is the essential thing, in my judgment, to resuscitate this great industry and prevent the utter extermination of the seal life.

To one like myself, having a practical knowledge of the subject, derived from close personal observation and study on the ground, it is amazing that there should have been so much delay on the part of the countries most concerned in arriving at a full agreement for the adequate protection of this unique and valuable industry. Indiscriminate poaching has only resulted in injury to the common interest, benefiting only a few lawless poachers who have been suffered to invade what should be treated as sacred marine territory.

I desire to add that I have not now, and never have had, any pecuniary or property interest whatever, directly or indirectly, in the sealing industry, and that I look upon the question simply as an American citizen desirous of seeing that which belongs to our Government and people defended and protected to the uttermost.

To one who has spent so many years among the seals as I have and who has taken so much interest in them, it does appear to be wrong that they should be allowed to be so ruthlessly and indiscriminately slaughtered by pelagic hunters, who secure only about one-fourth of all they kill. There is no doubt in my mind that unless immediate protection be given to the Alaskan fur-seal the species will be practically destroyed in a very few years; and in order to protect them pelagic hunting must be absolutely prohibited.

I think the seals ought to be protected both in Bering Sea and the North Pacific Ocean, and pelagic sealing entirely prohibited in those waters, or else a close season established, beginning March 1 and ending September 1 or October 1. In case the seals are not protected in this manner, I believe they will be exterminated within five years.

The annihilation of many rookeries formerly existing in different parts of the world has heretofore been accomplished by wasteful, and sometimes wanton, destruction on the land. Now, the only known rookeries of any size are guarded, and the vandals can not reach them; but they seem to have found methods of destruction almost as effectual as a seal club, and they kill as cruelly and wastefully as they formerly did on land. Other animals of less use to mankind than the seals are protected by a close season, or some other restriction, to save them from slaughter when breeding, but nearly all the seals killed in the water are mothers with young.

Bering Sea seems to be peculiarly adapted to the wants of the fur-seals. Its climate is moist, the sun rarely shines in summer, and the water abounds in fish. Here [in Bering Sea] also pelagic seal hunters find their best opportunity. They can stay about where they please under cover of the fog and defy any guard-ship to detect them. The range of the seals is very broad, and it is impossible to watch every square mile. The only way to stop the destruction of the rookeries is to stop pelagic sealing. If it is cruel and wasteful to destroy a whole species of useful breeding animals, it is just a cruel and wasteful, in proportion, to kill a few of them. Why should any be killed?

I do not believe any partial measure of protection will stop the depletion of the rookeries. If vessels may be fitted out with the paraphernalia for seal hunting, and skins brought into port and sold with impunity, the hunters will manage by hook or crook to evade any restriction.

Unless proper measures are taken to restrict the indiscriminate capture of the fur-seal in the North Pacific he is of Dr. Philip Lutley Solater, Vol. I, p. 413. the opinion that the extermination of this species will take place in a few years as it has already done in the case of other species of the same group in other parts of the world.

It seems to him that the proper way of proceeding would be to stop the killing of females and young of the fur-seal altogether, or as far as possible, and to restrict the killing of the males to a certain number in each year.

The only way he can imagine by which these rules could be carried out is by killing the seals only on the islands at the breeding time (at which time it appears that the young males keep apart from the females and old males), and by preventing altogether, as far as possible, the destruction of the fur-seal at all other times and in other places.

The seal herd which frequents St. Paul and St. George can be only preserved, in my opinion, by preventing all killing of seals except on the islands, where judicious B. F. Scribner, p. 90. regulations can be enforced, as to the number, sex, age, and conditions of the seals can be taken; otherwise extermination will result in a very short time. If the seal herd is protected, and the regulations now in force are maintained, a hundred thousand seals can be taken annually from these islands for an indefinite time, provided the seal life is allowed to regain its normal condition from the drain lately made upon it by the indiscriminate slaughter occasioned by open-sea sealing.

I consider it necessary for the preservation of the seal herd which resorts to the Pribilof Islands, and for the prevention of their early extermination, that pelagic L. G. Shepard, p. 189. sealing should cease in all waters which they frequent.

I think that all pelagic seal hunting should be stopped so the seal can become plentiful again, for now the seal are so scarce that the Indians can catch but very few, Aaron Simson, p. 290. where in olden times they caught plenty.

If the schooners are not stopped from hunting seal they will soon all be gone. Thomas Skowl, p. 300.

I am asked if a zone of prohibition about the islands, a territorial limitation, or a close season for pelagic sealing, *Leon Slone, p. 92.* one or all of these restrictions will not, in my opinion, prove a sufficient restraint upon marine hunters to allow the rookeries to grow again. I answer emphatically no. I do not believe they will suffice, and my answer is without personal bias, for I am not now engaged in the sealskin trade and have no interest in the industry other than that of the average American citizen. The scarcity of seals and consequent high price of skins stimulates the ingenuity of every man in the business either to evade restriction or to invent more certain methods for capturing the animals. The rookeries are doomed to certain destruction unless brought within the sole management of those on the islands, whose interest it is to care for them. Marine sealing should be absolutely prohibited and the prohibition enforced.

It is my belief that for the permanent preservation of fur-seal life, *Jno. W. Smith, p. 233.* all pelagic hunting should be prohibited absolutely.

It is, therefore, in my opinion, necessary that the seals should be protected, and all killing in the water prohibited *W. B. Taylor, p. 177.* in all waters which the seal herd frequents, and especially in Bering Sea and while the herd are en route to and from the islands through the Aleutian passes.

In my opinion, pelagic hunting should be stopped altogether in order to give the seal proper protection. I have resided *J. C. Tolman, p. 223.* in Wrangel the last year and a half.

Both in order to maintain the herd and to restore the seal-skin industry to a sure footing, I should like to see all *Geo. H. Treadwell, p. 523.* taking of seals in the water prohibited.

I am of the opinion that all killing of seals in the water should be prevented, both in Bering Sea and the North Pacific, because the seals thus killed are slaughtered *Geo. Wardman, p. 179.* without discrimination as to age or sex. In case such killing be prevented in the water, such regulations can be enforced upon the islands that the Pribilof seal herd will yield a supply of skins for an indefinite period without reducing the size of the herd. If, however, the killing of seals in the water is not prevented, all calculations looking toward the preservation of them on the islands by the Government and the lessees will be of no avail, and the Alaska seal will be exterminated.

And deponent is of the opinion that if no restriction be imposed upon such indiscriminate killing as has been going on in Bering Sea and the North Pacific since the year 1885 by the poachers, the sealing industries of the North Pacific will follow the course of those industries that formerly existed in the southern seas; and that there is only a measurable time, say at the outside five years, when, if the present condition of things continues, the seals of Bering Sea will be as extinct as the seals of south sea islands.

Deponent says that the most complete protection to the herds would

be the absolute prohibition of open-sea hunting; but that it may be sufficient protection for the herds in the North Pacific if a close season can be arranged for all the seal north of the fiftieth parallel, north latitude, and west of the one hundred and fiftieth degree of west longitude from the 1st day of May to the 1st day of November. Deponent regards it as important that the seal herd should be protected as above indicated in the North Pacific, as otherwise they will be exterminated, even if sealing be prohibited in the Bering Sea.

I think the schooners should be stopped from hunting seal, and then they would become plenty again, and the Indians could kill them again as they used to. *Paul Young, p. 292.*

A CLOSE SEASON.

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I think seal ought to be protected in the North Pacific and Bering Sea from April 1 to September 1, in order to give them a chance to raise their young. *Peter Anderson, p. 313.*

I do not think it is right to kill the mother seals before they have given birth to their young, as it is a fact that when we kill the mother seal we also kill her pup. *H. Andricius, p. 314.* They should not be hunted for six weeks after giving birth to their young.

Q. In your opinion, is it absolutely necessary to protect the cows in the Bering Sea to prevent the herd from being exterminated? If so, for what months in the year? *Goo. Ball, p. 483.*

—A. It is my opinion that it is absolutely necessary to protect the cows in Bering Sea during the entire year for a period of years.

I don't think it is right to kill the mother seal before they give birth to their young, for it is a fact that when you kill the mother you also kill her pup. *Bernhardt Bleidner, p. 315.*

Pelagic sealing should be prohibited after April 1 of each year until such time as the young pups are able to subsist without nourishment from their mothers. *Henry Brown, p. 318.*

If no seals were killed between the 1st day of April and the 1st day of September they would increase; but it would take international agreement to make killing of seals an offense during this season. *William Brennan, p. 363.*

And in order to prevent the extermination of seals the hunting of them should be prohibited until after the mother seals give birth to their young. Sealers should be notified of a closed season before they go to the expense of fitting out. *Thos. Brown (No. 1), p. 319.*

Q. What months of the year do you think they should be protected?—
A. From the 1st of July to the last of October I think they should be protected. *Danl. Clausen, p. 412.*

If the present practice of seal-hunting be continued, it will be a matter of a short time when the seal herd will be commercially destroyed. I think there should be what is called a close season in seal hunting on the water, to extend from the 1st of April until such time after the cows have given birth to their young and have reared them to an age at which they can live without sustenance from their mother.

I think a closed season should be established for breeding seal from January 1st to August 15th in the North Pacific Ocean and Bering Sea.

Geo. Dishes, p. 323. And all seal-hunting in the waters should be stopped for a few years to give the seal a chance to become plenty again.

Luke Frank, p. 294. Q. For what months in the year is it necessary to protect the cows in the Bering Sea?—A. From the first of May to the last of August.

Edward W. Funcke, p. 428. Q. In your opinion is it absolutely necessary to protect the cows in Bering Sea to prevent the herd from being exterminated? If so, for what months in the year?—A. Yes, sir; I think it necessary from the 1st of July until the middle of September.

Chad George, p. 366. I think that all pelagic sealing should be stopped for five or six years, and the seal would become plenty again.

Arthur Griffin, p. 326. Seals ought not to be killed in the water during the months of April, May, June, July, and August.

Martin Hannon, p. 445. I think a closed season should be established between May 1st and September 15th in North Pacific Ocean and Bering Sea, which would give them a chance to increase.

H. Harmsen, p. 443. Q. Now, then, if the cow seals are to be protected in the Bering Sea, what month do you consider it would be necessary to prohibit any being taken?—A. Say from the middle of June until the end of the year; something like that, the first of December.

Jas. Harrison, p. 327. I think that for the proper preservation of the seals all pelagic hunting should be prohibited until the mother seals have given birth to their young.

Wm. Henson, p. 484. Q. In your opinion, is it absolutely necessary to protect the cows in the Bering Sea to prevent the herd from being exterminated; if so, for what months in the year?—A. I think it necessary to protect the cows in the Bering Sea from the first of July to the last of November, in order to protect them from being exterminated.

Q. In your opinion, is it absolutely necessary to protect the cows in Bering Sea to prevent the herd from being exterminated? If so, for what months in the year?—*Andrew J. Hoffman, p. 447.*
 A. Yes, sir; from the 1st of June until the 1st of August, in order to protect the herd.

I think that all pelagic seal hunting should be stopped for a number of years, and give the seal a chance to increase, and if this is not done they will soon become exterminated. *O. Holm, p. 368.*

Q. If the cow seals are to be protected in the Bering Sea, what month do you consider it would be necessary to prohibit any being taken?—A. I should consider *Gustave Isaacson, p. 440.* it necessary to protect them all the time they are in the Bering Sea.

In order to prevent the entire extermination of the fur-seal, I think all pelagic sealing in the Pacific Ocean on the coast of the United States, British Columbia, and *Victor Jacobson, p. 328.* Alaska, should be stopped; also in Bering Sea until the females have brought forth their young, about the 15th of July, after which all vessels should be allowed to enter Bering Sea and take seals without restraint any place outside of the legal jurisdiction of the United States.

Q. If the cow seals are to be protected in the Bering Sea what month do you consider it would be necessary to prohibit any being taken?—A. From the beginning of *Frank Johnson, p. 441.* July to the end of the year.

There is no way, in my judgment, of preventing the seals from being totally exterminated, except by effectually prohibiting the hunting of them, both in the ocean and Bering Sea during their breeding season, say from February until October, on the principle of the gaming laws on the land. *Jas. Kiernan, p. 451.*

I can not say as to seals appearing off the coast in less numbers each year, but I think some arrangement should be made for their protection by a close season during the time they are carrying and nursing their young. *Andrew Laing, p. 335.*

In order to prevent the extermination of the fur-seal species I am of the opinion that a close season in the North Pacific Ocean and in Bering Sea should be established and enforced from April 1 to November 1 of each year. *E. N. Lawson, p. 221.*

I think that a close season between the months of February and November in the North Pacific Ocean and Bering Sea should be established in order to prevent the extermination of the fur-seal species. *I. M. Lenard, p. 217.*

Deponent is further of the opinion that it would be necessary, in order to fully protect the herds, to prohibit, at *Herman Liebes*, p. 514, least for a time, the killing of all female seals anywhere.

Q. In your opinion, is it absolutely necessary to protect the cows in the Bering Sea, to prevent the herd from being exterminated?—A. It is absolutely necessary.

Q. What months in the year do you think they should be protected?—A. The months when they are in the Bering Sea, from July 5 to November 1.

I think all pelagic sealing should be stopped for a few years in order to give the seals a rest, for they are now hunted *Geo. McAlpine*, p. 268. eight months in a year, and if we expect them to increase again we must stop hunting them in Bering Sea and the North Pacific Ocean.

Q. If the cow seals are to be protected in the Bering Sea, what month do you think it would be necessary to prohibit *Alex. McLean*, p. 438. any being taken! Would you prohibit them being taken at any time or all times?—A. I think if they are prohibited at all they should prohibit them for about two months, principally July and August.

Q. How about September?—A. They are through breeding then, and the pups are ashore. There are only two months that they can interfere with them there for breeding purposes that I know of. The seasons get later every year. There are breeding dates, etc. Ten years ago they never used to be any later than August breeding there. Now they are getting later than that, and are getting on to September, because the world is changing, the climate is—the seals change according to the climate.

Q. If the cow seals are to be protected in the Bering Sea what months do you consider it would be necessary to prohibit *Danl. McLean*, p. 444. any being taken!—A. From the 15th of June until the season finishes; that would be the first snow. The pups do not leave the islands on the first snow, but when the second snow comes they leave the islands. They ought to be protected until the second snow; that is, in November.

G. E. Miner, p. 467. I think if all sealing was prohibited from January 1 to August 15, in the North Pacific Ocean and Bering Sea, it would give sufficient protection to the seal.

That deponent is not in a position, by reason of possessing expert knowledge or personal acquaintance of killing *Henry Poland*, p. 571. seals, to pronounce a positive opinion as to what steps are necessary, if any, to accomplish this result, but he would suppose it reasonable to say that a close time, which should be universal in its application, for a specified period in each year, during which the killing of seals should be entirely prohibited, and the imposition of heavy penalties, say a fine of £1,000, for any violation of the regulations providing for such close time, would be effective to preserve the herds referred to; and deponent would, under any circumstances, increase the zone around the islands containing the "rookeries, within which sealing should be absolutely prohibited, to a distance of 50 miles in every direction from the shore.

Q. What months in the year do you think they ought to be protected?—**A.** Well, from about the middle of June to the 1st of October.

Frank Morreau, p. 468.

Pelagic sealing in the North Pacific Ocean should not be permitted for at least six weeks after the females have given birth to their young.

John Morris, p. 341.

It is very important that if the fur-seal is to be preserved it must be protected from indiscriminate slaughter in the open sea, or it will soon be exhausted. I would suggest that either schooners should not be allowed to approach within a radius of 50 miles of the breeding grounds, or else they should not be allowed to enter the sea until the female has had proper time to give birth to her young, and to give it nurse until such time as the young seal is able to exist without it, say the 1st day of August. This is the general opinion of prominent owners of schooners who have given an unprejudiced opinion upon that subject.

Morris Moss, p. 342.

I think that all sealing should be stopped for a number of years, so that the seal can become plenty again, for the white man has almost exterminated the seal.

Nashou, p. 298.

They ought to be prohibited from killing seals in the water for a few years at least, or there will not be enough left to make them worth hunting.

Wm. Parker, p. 345.

The practice of taking seals in the water before they have given birth to their young is destructive to seal life, wasteful, and should be prohibited.

Chas. Peterson, p. 346

From my knowledge and from conversation with other sealers, I believe that for the proper preservation of seal life, sealing should be absolutely prohibited every two or three years.

W. Roberts, p. 242.

I think pelagic sealing in the sea should be prohibited until such a time as the pup may have grown to the age at which it may be able to live without nurse from its mother.

Wm. Short, p. 348.

Q. In your opinion is it absolutely necessary to protect the cows in the Bering Sea to prevent the herd from being exterminated? If so, for what months in the year?—**A.** It is absolutely necessary to protect the cows, in order to prevent seals being exterminated, from the 1st of July up to the 1st of November.

Gustave Sundvall, p. 481.

I do not consider it right to kill the mother seal before she has given birth to her young pup; I do not think they should be killed until six weeks after giving birth to their young.

John A. Swain, p. 351.

I think that all pelagic hunting should be stopped for a few years to give the seal a chance to increase.

W. Thomas, p. 485.

I think sealing should be prohibited for four or five years in order to give them a chance to multiply and become as plentiful as they formerly were.

I think there should be a closed season established some part of the year, so they could have a rest, as the constant hunting of them in the open waters is soon going to destroy them.

Walter Young, p. 303. Unless all sealing is stopped for a number of years the seal, like the sea-otter, will soon become extinct.

PROHIBITION OF USE OF FIREARMS.

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Peter Brown, p. 378. I think they will all be killed off if they keep hunting them with guns.

Crows-Jim, p. 387. If so much shooting at seals is not stopped they will soon be all gone.

Christ Clausen, p. 320. It is my opinion that spears should be used in hunting seals, and if they are to be kept from extermination the shotgun should be discarded.

Alfred Irving, p. 387. If they keep on killing them with the guns there will be none left in a little while.

Schwish Johnson, p. 389. If hunted with guns they will all soon be destroyed.

Moses, p. 310. And I think after awhile they will all soon be destroyed if they keep on hunting them with guns.

PROHIBITION OF PELAGIC SEALING IN BERING SEA.

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In my opinion open-sea sealing is very destructive, and unless prohibited will result in the extermination of the species at no very distant day. I also believe that it would be utterly useless to protect the rookeries on the seal islands and not protect the seal herd while in Bering Sea.

Q. Do you think of anything else that is of value in regard to this seal question that I have not asked you, and if Geo. Ball, p. 483. anything you would like to say, you can give your opinion about it!—A. Well, I think it is proper for the interest of sealing in those waters that the Government should take immediate action in the protection of seals in the Bering Sea.

Wm. Bondt, p. 404. If they do not protect them in the Bering Sea it will be but a few years before they will be exterminated.

From my knowledge of the business I am certain that the fur-seal will soon be exterminated if it is not protected in the Bering Sea. We might kill some in the Pacific Ocean, if there did not too many vessels go out to hunt them.

If pelagic sealing is stopped in Bering Sea for a number of years seal would become plentiful again; if not stopped they will soon be exterminated.

Wm. Bondt, p. 405.

Q. In your opinion is it absolutely necessary to protect the cows in Bering Sea to prevent the herd from being exterminated?—A. It is absolutely necessary in my opinion.

Danl. Claussen, p. 412.

Q. Do you think it would be better that the Bering Sea should be entirely closed?—A. I think it would be better.

Q. In your opinion, is it absolutely necessary to protect the cows in the Bering Sea to prevent the herd from being exterminated?—A. Certainly.

Luther T. Franklin, p. 428.

I am of the opinion that in order to save the seal from extermination all pelagic hunting in Bering Sea should be prohibited.

Thos. Frazer, p. 365.

Q. Do you think it is necessary to protect the seal in the Bering Sea?—A. Certainly I do.

Q. In the North Pacific?—A. In the North Pacific I will not say; but in the Bering Sea I think it is absolutely necessary.

Chas. H. Hagman, p. 436.

Q. Do you think it is absolutely necessary to protect the cows in the Bering Sea?—A. You ought to protect them, certainly; in order to keep the thing going they ought to be protected.

H. Harmsen, p. 443.

Q. Is it necessary to protect the cows in the Pacific?—A. They kill the biggest half in the Pacific, so that they ought to be protected there.

I think that the only way the seal can ever become plenty again is to stop all pelagic sealing in Bering Sea.

E. Hofstad, p. 260.

Q. Do you think it absolutely necessary to protect the cows in the Bering Sea?—A. Yes, sir.

Q. What do you think about protecting them in the North Pacific, providing you wanted to increase the seals and save them from extermination?—I don't know what to say about that. The North Pacific is pretty big.

Frank Johnson, p. 441.

I think if sealing in Bering Sea was stopped and the indiscriminate killing of cows was stopped, seal would become plentiful along the coast.

Philip Kashevaroff, p. 262.

Q. Is it your opinion, if sealing continues unrestricted, that they will soon be exterminated?—A. Yes, sir; they will get less and less, and will soon be exterminated if all sealing is not stopped in the Bering Sea and on the islands.
Chas. Lutjens, p. 459.

I think that all pelagic seal-hunting in Bering Sea should be stopped, or the seal will soon become exterminated.
Jas. McKeen, p. 267.

Q. Do you think it is absolutely necessary to protect the cows in the Bering Sea to keep them from being exterminated?—A. I do.

Alex. McLean, p. 438. Q. Is it often necessary to protect them in the North Pacific?—A. That is a question that should be international.

Q. What I want to get at is, is it your idea that in order to protect and keep up this supply of young seals that it is necessary not only to protect them in the Bering Sea but to protect the cows as they are in the North Pacific, nearing the ground, or as they are coming out?—A. Yes, sir; in the way it is here, the Pacific Ocean is a large ocean. The seals are spread all over, and it would be impossible to go to work and exterminate them from these waters to decrease them as long as they keep them out of the Bering Sea. That is where the body of the seals get into. For 40 miles within the passage they can not handle the seals at all, because you don't see them. They are traveling too much. You may see a herd once in a while, but very rarely.

Q. Whereabouts in the North Pacific do you find them the most numerous?—A. You can start from San Francisco, and you carry them all the way up from the time you leave here until you get up to those passes; all the way up 150 miles to 30 miles in the shore. In some places you come in closer than that, according to the point of land that you come into.

Q. In your view of the case they should be protected in the Bering Sea all the season?—A. Yes, sir; I think it would be advisable to protect them in the Bering Sea altogether.
Alex. McLean, p. 439.

Q. You are an old sealer; perhaps you know some things that I don't. If there is anything you think of that is interesting I should like to know it.—A. No, sir; I should like to give my opinion as far as it is right, and beyond that I would not do it. I am interested in sealing, and want to protect the seals. I wish to say that I would like to see the seal islands protected from raids, and also the Bering Sea.

Daniel McLean, p. 444. Q. Do you think it is absolutely necessary to protect the cows in the Bering Sea?—A. Yes, sir.

Q. It is also necessary to protect them in the Pacific?—A. The Pacific is a large ocean, and they do not go in large bands. They go singly and in pairs, so that there is not a chance to kill so many of them in the ocean. In the Bering Sea they are in bands, and they go onto the islands and are concentrated in a small place. * * *

Q. Do you know of anything else that would be interesting in regard to the question?—A. I think the seals ought to be protected. I think the custom-house should not clear any ships either in the British Colonies or the United States for sealing in the Bering Sea; that is, if they

want to protect them. I would like to see the islands protected from raids, and the Bering Sea also.

Q. Do you think that the Bering Sea should be entirely closed?—A. Certainly.

I think that pelagic seal hunting in Bering Sea should be stopped.

Q. In order to preserve the seals, do you think it absolutely necessary to stop all killing in the waters of the Bering Sea?—A. Yes, sir; I think it absolutely necessary, in order to protect the seals, to stop all killing of cows in the Bering Sea.

The preservation of the rookeries requires the suppression of pelagic sealing, at least in the Bering Sea, and in the immediate vicinity of the passes.

Z. L. Tanner, p. 375.

I think if pelagic hunting was stopped in Bering Sea that seal would become plentiful along the coast of southern Alaska, and we Indians could again catch plenty of them with a spear, which is a much better way to capture seal than by shooting them with shotguns, for none are lost when struck with a spear.

I think if pelagic hunting is not stopped in Bering Sea the seal will soon become exterminated.

Charlie Tlakisan, p. 270.

Think that all pelagic seal-hunting should be stopped in Bering Sea in order to keep the seal from being exterminated.

Rudolph Walton, p. 273.

Under Russian rule there were many years of faulty management, and at one time much danger of extermination of seal life at these islands, but in time the company came to regard seal life with so good an eye to preservation and perpetuation that their rules and regulations in regard to these points are still in force on the islands; but, while they permitted free navigation throughout Bering Sea, they sternly prohibited any interference with seal life in the waters thereof, and so the United States Government will be forced to do if it would preserve and perpetuate its present splendid property.

PROHIBITION OF PELAGIC SEALING WITHIN A ZONE.

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A zone of 30, 40, or 50 miles about the islands in which sealing is prohibited would be of little or no protection, as the females, during the breeding season, after their pups are born, wander at intervals over Bering Sea in search of food. But to suppose an impossibility, even if such a zone could protect seal life, it would be impossible, on account of the atmosphere being so constantly foggy and misty, to prevent vessels from crossing an imaginary line drawn at such a distance from and about the Pribilof Islands.

I am of the opinion that the Pribilof seal herd should be protected both in Bering Sea and the North Pacific Ocean.

A. P. Loud, p. 39. If an imaginary line were drawn about the islands, 30 or 40 miles distant therefrom, within which

sealing would be prohibited, this would be little protection to seal life, for all the poachers whom I interviewed acknowledged that they could get more seals in the water near the fishing banks, 30, 40, or more miles from the islands, than in the immediate vicinity thereof, and the hunters on the schooners always complained if they got much nearer than 40 miles of the islands. I am certain that even if sealing were prohibited entirely upon the islands the seal herd would in a short time be exterminated by pelagic sealing, if permitted, because the females—that is, the producers—are the seals principally killed by open-sea sealing.

A zone of 30 miles about the seal islands within which seal hunting would be prohibited would be valueless in preserving seal life; first,

H. H. McIntyre, p. 46. because Bering Sea during the time the seals are there is almost constantly enveloped in fogs and mist, under cover of which marauding vessels could run in very near to the islands without being observed, if allowed to come as near as 30 miles thereto; second, because for over 30 miles from said islands great quantities of seals are found coming from and going to the islands from the feeding grounds; and further, because seals found in the waters for 60 to 100 miles about said islands are much bolder and easy of approach than in the open sea, through the proximity of their island home.

Therefore, in my judgment such a 30-mile zone would be of practically no use as a means of protection to seal life, because of the impossibility to enforce such a law, and because of its inefficiency if enforced.

If it is the fact, as has been stated, that the herds have now been diminished since the killing of female seals upon

Geo. Rice, p. 574. the sea began, as to which deponent has no

knowledge, he should say that it would at least be reasonable to prohibit the killing of seals absolutely within the area which may be described as the feeding grounds around the island.

Pelagic sealing should be suppressed as far as practicable. A protected zone around the islands, extending 100 miles

Z. L. Tanner, p. 375. from them would not be effective, even if the limits were respected.

FOGS IN BERING SEA.

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(See also "Prohibition of Pelagic Sealing Within a Zone.")

During the summer months fogs envelop the seal islands or cover the sea a short distance from them a considerable

W. C. Allis, p. 99. portion of the time. Sealing vessels are enabled thereby to carry on their work without detection

at almost any point, and could and would, I believe, cross any boundary line that might be drawn about the islands, and catch seals at will inside of it. I do not think sealing can be, with safety to the rookeries, permitted in any part of the sea. If the sealers are given an inch they will take an ell, and destroy all.

There is almost constant cloudiness and dense fog, and it is difficult for a vessel to know her own location within reasonable limits after having cruised about for a short time. The margin of uncertainty would be nearly as wide as the zone itself. Often the *Case*. navigator receives his first information regarding the nearness to the islands by hearing the cries of the seals on the rookeries, which he can not see. Under such circumstances few arrests would be made of trespassing vessels that could not make a plausible plea in self defense. In most cases it would be difficult to prove that the sealer was actually within the forbidden area.

During the summer months fogs envelop the sea islands or cover the sea a short distance from them a considerable portion of the time.

Harry N. Clark, p. 160.

Sealing vessels are enabled thereby to carry on their work without detection at almost any point, and could and would, I believe, cross any boundary line that might be drawn about the islands and catch seals at will inside of it.

I do not think sealing can be permitted, with safety to the rookeries, in any part of the sea. If the sealers are given an inch they will take an ell, and destroy them.

I have also no doubt as to the final result of this indiscriminate sealing. The dense fogs which prevail over Bering Sea in summer render the drawing of an imaginary line of protection about the seal islands absolutely futile and inoperative for such purpose; and unless full protection is afforded the animals, their extermination must follow as surely as in the case of the seals at the South Shetland Islands or the buffalo on the plains of North America.

It is my opinion that should pelagic sealing be prohibited in a zone 30, 40, or 50 miles about the Pribilof Islands it would be utterly useless as a protection to seal life, because female seals go much farther than that in search of food, and because fogs are so prevalent about those islands that it would be impossible to enforce any such prohibition.

As seals are found in large numbers over 100 miles from the islands during the entire summer, a zone 30 or 40 miles about the islands in which open-sea sealing were prevented, if such could be done, would be of comparatively little protection to seal life.

THE SEAL-SKIN INDUSTRY.

IN THE PAST.

SOURCES OF SUPPLY.

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Second. That the seal-skins which have been sold in London from time to time since deponent first began business have been obtained from sources and were known *Alfred Fraser, p. 554.* in the markets as—

(A) The South Sea skins, being the skins of seals principally caught on the South Shetland Islands, South Georgia Islands, and Sandwich Land. That many years ago large numbers of seals were caught upon these islands, but in consequence of the fact that no restrictions were imposed on the killing of said seals they were practically exterminated and no seal-skins appeared in the market from those localities for many years. That about twenty years ago these islands were again visited and for five seasons a considerable catch was made, amounting during the whole five seasons to about 30,000 or 40,000 skins. Among the skins found in this catch were those of the oldest males and the smallest pups, thus showing, in the judgment of deponent, that every seal of every kind was killed that could be reached. That in consequence thereof the rookeries on these islands were then completely exhausted. Once or twice thereafter they were visited without result, no seals being found, and about five years ago they were again revisited and only 36 skins were obtained. Deponent is informed that all the South Sea skins were obtained by killing seals upon the islands above mentioned, and that it is obviously everywhere much easier to kill seals upon the land than in the water; and in the judgment of the deponent the seals of the above-mentioned islands were thus entirely exterminated because of the entire absence of any protection or of any restriction of any kind whatever upon the number, age, or sex of seals killed, and not merely as deponent understands has been claimed by some authorities, because they were killed on land instead of in the open sea, which, moreover, in that locality, deponent is informed, is practically impossible by reason of the roughness of the sea and weather.

(B) A considerable number of seal-skins were formerly obtained upon the Falkland Islands; how many deponent is not able to state.

(C) That a certain number of seals were also caught at Cape Horn, and that more or less are still taken in that vicinity, though the whole number has been very greatly reduced.

Deponent says, from his general knowledge of the business inspection of the catalogues of sales of C. M. Lampson & Co. and from the information derived from his predecessors in the firm, the chief of whom was the late Sir Curtis Lampson, who founded the house about sixty years ago, that

fur-seal skins were formerly obtained in large numbers in the South Pacific and Atlantic seas upon the San Juan Fernandez and Falkland Islands, upon Sandwich Island, South Shetland Island, Desolation island, Goughs Island, and Kerguelen and Masafuero Islands, and at Cape Horn.

There were also in former years a considerable number of skins obtained from Russian possessions in the North Pacific Ocean through the medium of a Russian company, as hereinafter stated.

The history of the Southern Atlantic and Pacific seal business shows that at the localities above enumerated, and principally on South Shetland and the Kerguelen Islands, there must have been very large numbers of seals. * * *

And deponent has been informed and understands that in consequence of the indiscriminate and universal killing of seals in the localities above mentioned, where no restrictions of any kind were then or are imposed upon the killing of seals at any time, without regard to age or sex, the seal rookeries in those localities were after a few years of such killing practically exhausted.

That about twenty years ago the South Shetland Islands were again visited, and for two or three years there were obtained from these islands a considerable number of skins, amounting in the aggregate to perhaps 50,000 skins. At the end of three years' catch of skins it was reported that the rookeries were again exhausted and the islands were not again visited for several years, not until five years ago, when deponent understands that a vessel was sent to those islands by the firm of C. A. Williams & Co., of New London, United States of America, and that that vessel was only able to obtain 39 skins.

The time during which deponent has been in the business the skins from all of the above-mentioned localities have been practically infinitesimal in number.

The following statistics are gathered from the journals of early navigators, and such commercial records as are now

C. A. Williams, p. 540. available are submitted:

Kerguelen Land.—An island in southern Indian Ocean discovered about 1772. The shores of this island were teeming with fur-seal when it first became known. Between the date of its discovery and the year 1800 over 1,200,000 seal skins were taken by the British vessels from the island, and seal life thereon was exterminated.

Orozets.—The Orozett Islands, in same ocean and not far distant, were also visited and hunted over and the seal life there was totally exhausted.

Masafuero.—An island in southern Pacific Ocean, latitude 38° 48' S., longitude 80° 34' W., came next in order of discovery, and from its shores in a few years were gathered and shipped 1,200,000 fur-seal skins.

Delano, chapter 17, page 306, says of Masafuero: "When the Americans came to this place in 1797 and began to make a business of killing seals there is no doubt but there were 2,000,000 or 3,000,000 of them on the island. I have made an estimate of more than 3,000,000 that have been carried to Canton from thence in the space of seven years. I have carried more than 100,000 myself and have been at the place when there were the people of fourteen ships or vessels on the island at one time killing seals."

South Shetlands.—In 1821-1823 the South Shetland Islands, a group nearly south from Cape Horn, became known to the seal hunters, and

in two years over 320,000 seals were killed and their skins shipped from these islands.

South Georgia.—Later still seal were found on the island of South Georgia, South Atlantic Ocean, and from this locality was obtained over 1,000,000 of fur seal, leaving the beaches bare of seal life.

Cape Horn.—From the coast of South America and about Cape Horn many thousands of fur seal have been taken, and of the life once so prolific there nothing is now left save such remnants of former herds as shelter on rocks and inlets almost inaccessible to the most daring hunter.

This record shows the nearly complete destruction of these valuable animals in southern seas. Properly protected, Kerguelen Land, Masa-fuero, the Shetlands, and South Georgia might have been hives of industry, producing vast wealth, training schools for hardy seamen, and furnishing employment for tens of thousands in the world's markets where skins are dressed, prepared, and distributed. But the localities were no man's land, and no man cared for them or their products save as through destruction they could be transmitted into a passing profit.

In 1872, fifty years after the slaughter at the Shetland Islands, the localities before mentioned were all revisited by another generation of hunters, and in the sixteen years that have elapsed they have searched every beach and gleaned from every rock known to their predecessors, and found a few secluded and inhospitable places before unknown, and the net result of all their toil and daring for the years scarcely amounts to 45,000 skins, and now not even a remnant remains save on the rocks off the pitch of Cape Horn. The last vessel at South Shetlands this year of 1888, after hunting all the group, found only 35 skins, and the last at Kerguelen Land only 61, including pups. So in wretched waste and wanton destruction have gone out forever from the southern seas a race of animals useful to man and a possible industry connected with them, and it is plain that without the aid of law to guide and control no other result could have been expected or attained.

MARKETS.

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Deponent says that what may be described as the fur-skin business has been built up—that is, the product, the fur-seal skins, have been made an article of fashion and commerce—and the sales of such skins largely increased, and the methods of dressing and dyeing the same have been perfected almost entirely through the influence and joint endeavors of the Alaska Commercial Company, the North American Commercial Company, the Russian Seal Skin Company, deponent's own firm, and the firm of C. W. Martin & Sons, and their predecessors in the city of London.

That the first seal-skins of which deponent has any knowledge arriving in London market were consigned by a Russian company to the firm of J. M. Oppenheim & Co., the business of which firm, in far so as it related to the dressing and dyeing of fur-seal skins, was subsequently taken over by the firm of Martin & Teichmann. That the fur-seal skin

business was greatly developed about the year 1870 through the efforts of C. M. Lampson & Co.; that about that time the firm of J. M. Oppenheim & Co. found great difficulties in getting the skins properly unhaired, dressed, and dyed, which difficulties culminated in a strike of their operatives about the year 1873, the result of which was that the firm of Martin & Teichmann took over that portion of the business of Messrs. Oppenheim & Co. connected with the dressing and dyeing of fur-seal skins as aforesaid, and began a system of education of their own operatives, and that from that time until within a year ago the business of dressing and dyeing skins has been practically controlled by the firms of Martin & Teichmann & Co. and C. W. Martin & Sons, and has become an established and important industry, in which a large amount of capital is invested and a large number of persons employed.

The principal market for the skins of such Southern Pacific and *Emil Teichmann, p. 577.* Atlantic seals was, as deponent is informed, found in the Chinese ports.

The history of the seal-skin fishery coming from the Northern Pacific regions is briefly as follows:

Emil Teichmann, p. 579. In the early part of the century a Russian company was formed which obtained from the Russian Government a right to kill seals, both upon the Commander and Pribilof islands and in and around the Bering Sea. Up to the year 1853 about 20,000 skins were annually received in London from the company in the parchment state. By the parchment state I mean skins which were dried with the top or water hair left on. They were not, in consequence of this method of preservation by drying, in a condition to be unhaired, and they were, after having been dressed in London, largely returned to the Russian markets.

In the year 1853 a trial shipment of salted skins was made to J. M. Oppenheim & Co., in London, in pursuance, as deponent is informed, of suggestions theretofore sent out by Messrs. Oppenheim that an attempt should be made to salt the skins, but owing to the defective curing this shipment was a failure. By degrees, however, the curing by means of salting was improved, and in 1858 a contract was made by the Russian American Company to ship to Messrs. J. M. Oppenheim & Co. an annual supply of from 10,000 to 12,000 skins delivered in London at 10s. 10d. a skin. The quantity was increased in 1864 to 20,000 skins. This contract remained in force until the Alaska Territory became the property of the United States. In addition to the salted skins covered by the contract last referred to, Messrs. Oppenheim & Co. also received during these years about 10,000 skins from the Russian American Company per annum, which were dried in the old-fashioned way and not salted.

Deponent says that what may be termed the fur-seal business has largely been built up by the efforts of the Alaska *Emil Teichmann, p. 582.* Commercial Company, the North American Commercial Company, and the firm of C. M. Lamson & Co.

That it depends to a considerable extent upon making seal-skins an article of fashion and of trade.

The skins from the localities mentioned were marketed mainly in China, as exchange for silks, teas, etc.; a portion went to Europe, and in France and England were manufactured into caps, gloves, and other small articles, being simply unhaired and dressed. The commercial value in China was about \$5 per skin for first class, and something less in Europe. But Delano, chapter 11, page 197, says: "Having agreed for a freight, Captain Stuart ordered his ship to Canton; he sold his cargo of seals, 38,000, for only \$16,000, so reduced was the price of this article." There was no regular market established for them, and, under the conditions of their taking, there could be none; for at one time there would be a vast oversupply, while at another skins would be unattainable, and always the assurance that however plentiful might be the supply for a season the end was not distant, for utter destruction was the rule of capture, and no reproduction was possible. Capital could not undertake to develop such a trade, for the end was in sight from the beginning.

Until about 1853 the skins shipped by the Russian American Company from these islands, over which they had absolute control, up till the time of the cession to the United States, went forward in the parchment

(or dried) state at the rate of about 20,000 per annum. About 1853 a small trial shipment of salted skins was shipped in the hands of Messrs. J. M. Oppenheim & Co., London, who had for many years previous been the leading firm who unhaired and dressed fur-seals from Lobos Islands, Cape of Good Hope, etc. The first experience with salted Alaskas proved a failure, the skins not having been properly cured; by degrees, however, the skins came forward in better condition, and in the year 1858 Messrs. Oppenheim contracted with the Russian American Company for an annual supply of from 10,000 to 12,000 salted fur-seals at 10*s.* 10*d.* per skin, delivered in London. This quantity was increased about the year 1864 to 20,000 per annum, the contract remaining in force until the time when the territory was handed over to the United States Government. In addition to the salted fur-seals, Messrs. Oppenheim received annually from the Russian American Company about 10,000 parchment fur-seal at a price materially below that of the salted skins. Messrs. Oppenheim shipped to the United States the first dressed and dyed Alaska seals about 1860, but their shipments only amounted to a few thousand skins per annum until 1865. From that year until 1872, when this firm was liquidated, the quantity shipped by them increased from 2,000 to 3,000 per annum to probably 10,000 skins.

Such was the state of the trade in fur-seal skins at the time of the lease by the United States Government to the Alaska Commercial Company. Skins were of low value; there were no regular open sales; the dressing and dyeing were badly done, and the net result of sales was insufficient to meet the rental, tax, and charges imposed by the Government on the lessees at the date of the issue of the lease. The company undertook the building up of this business by the introduction of method and system on the islands in the place of the loose and careless management, by careful selection of skins and great attention to the curing of them, and by guaranteeing regular supply as to quantity and quality to the London market. They were most ably seconded in their efforts by the London house of C. M. Lampson & Co., to whom the skins were consigned, and to the critical acquaintance with value

of furs, to the sound judgment and unsurpassed business ability of the then head of that house, and to the confidence assured to the buyers by his name in connection with the sales the success of the undertaking in London is largely due. Up to the time that this company was formed the dressing of seal was efficiently done only by the firm of Oppenheim & Co., but on their liquidation there was great danger that the business would fall into weak hands and be so badly done as to render the manufactured fur-seal unpopular. Realizing this fact, Messrs. Lampson & Co. stepped in and, by liberal inducements, led Messrs. Martin & Teichmann to carry on the Alaska factory.

After a series of difficulties, such as strikes and trouble with the work people, who were determined that no more or better work should be done than of old, this factory has gradually succeeded, by continual improvement, in rendering the dressing and dyeing, formerly a most uncertain undertaking, a thoroughly reliable process. These efforts on the island and in London combined largely account for the measure of success the company has attained. In addition, however, large expenditure has been necessary in all the European centers to keep the article before the public and in their favor.

IN THE PRESENT.

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Deponent is informed that practically all the seal-skins in the world are sold in London, and the number runs up in *H. S. Bevington, p.* the year to between 100,000 and 200,000, averaging considerably over 150,000 a year.

Several years ago they were plentiful off Cape Horn, and about twenty-five years back I saw some near Cape *William Brennan, p.* Good Hope, and also off New Zealand; but whether they are to be found there now I do not know.

The way in which the business of the firm of C. M. Lampson & Co. *Sir G. C. Lampson, p.* is conducted at the present time in respect to fur-seal skins is briefly as follows:

The firm receives consignments of fur-seal skins from the North American Commercial Company, which, as deponent is informed, has a lease from the United States Government of the right to kill fur-seals on the Pribilof Islands in the Bering Sea, from the Russian Seal Skin Company, which, as deponent is informed, have a lease from the Russian Government of a right to kill fur-seals on the Kommandorski and Roben Islands, and large consignments of fur-seal skins are also made to deponent's firm by the firm of Hermann Liebes & Co., of San Francisco, U. S. A. These three mentioned firms or companies are the principal consignees of seal skins to the deponent's firm. The consignments when received are duly catalogued and sales at public auction of these skins and of those of any other consignments which there may be are held in the months of January, March, and October. That at such sales there are present in person or by representative all the leading dealers doing business in the city of London and all the other markets in the world. The total number of buyers does not average more than fifty, and a list of all the buyers is hereto annexed

and marked A. The major part of the skins purchased are, however, purchased by a comparatively small number of firms. Deponent's own firm as the agents of dealers in the United States and Canada are also among the principal buyers.

That down to within one or two years ago the skins so purchased by the principal buyers, or at least a great majority of them, were after such purchase consigned to the firm of C. W. Martin & Sons, by whom they were dressed, and the most of the skins also dyed by them, and having been so dressed and dyed, they are then sent to the dealers and manufacturers of fur clothing in various parts of the world.

Sir G. C. Lampson, p. 568.

BUYERS OF FUR-SEAL SKINS.

LONDON.

Allhausen & Co.	International Fur Store.
Apfel Brothers.	Marshall, W., & Co
Bevington & Morris.	Martin, C. W., & Sons.
Blatespiel, Stamp & Heacock.	Meyers, J. & H.
Borras, R., & Sons.	Nicholay, J. A. & Son.
Creamer, J. H., & Co.	Phillips, Politzer & Co.
Dixon & Co., H.	Poland, P. R., & Son.
Ensor, Weber & Co.	Poland, Geo., & Son.
Eysoldt & Co.	Russ, C.
Friedebery, H.	Smith, Geo., & Sons.
Felsenstein Bros.	Sugden, C. A., & Co.
Hand, J.	Slater & Co.
Hirschell & Meyer.	Ullmann, Jos.
Hoffman & Thaw.	Vyse Sons & Co.
Howell, J., & Co.	Wotherspoon, D. & J.
Ince, T. H.	

PARIS.

Grebert, E., & Grison.	Révillon Frères.
Handler, N., & Filz.	Révillon, S.
Hertz, E., & Co.	

LEIPZIG.

Bromberg, M., & Co.	Gaudig & Blum.
Dornfeldt, G.	Konigewerther, H. M.

Third. That the business is carried on in the city of London, briefly, as follows: Messrs. C. M. Lampson & Co., and during the last two years one or two other firms, *Walter E. Martin, p. 568.* advertised the annual sales of fur-seal skins, of

which very far the largest number are advertised and sold by C. M. Lampson & Co. That at such sales merchants and furriers from all over the world are present or represented, and make their purchases of fur-seal skins for the ensuing season. After the sales the skins purchased are delivered by the purchasers to my firm and others for dressing and dyeing. Most of the seal-skins dressed by my firm are likewise intrusted to us to be dyed, but some of the merchants, notably Révillon Frères, of Paris, have the skins which have been dressed for them by us dyed in France, and this is true of one or two other firms, although Révillon Frères are the principal firm who so do. This makes the number of furs dressed by us larger than the number dyed.

The skins are consigned by the persons who take them in the fishing grounds to various firms, the principal of which *George Rice, p. 572.* are C. M. Lampson & Co., and Culverwell & Brooks, by whom the skins are catalogued and advertised for the sales, which are held in October, January, or March in each year by Goad, Rigg & Co., as brokers for C. M. Lampson & Co., and by Culverwell & Brooks on their own account.

These sales are attended by merchants and buyers from all over the world, who are present either personally or by proxy, and having made their purchases at such sales, the skins are transferred by them to the dressers and dyers.

The laws of trade take these skins to London for market. Two public sales are held each year, usually in March and *C. A. Williams, p. 546.* November. At these sales attend buyers from Russia, Germany, France, England, and America. The company sells the entire stock on hand at each occasion, and has no further connection with the skins. Its rule is to meet the market, and it buys no skins for account, nor has it any interest in the dressing and dyeing. That this work is done so largely in London is the choice of the buyers.

SOURCES OF SUPPLY.

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That since deponent has been in business, skins coming upon the London market have been principally divided into *H. S. Bevington, p. 551.* three classes, known as the Alaska catch, the Copper catch, and the Northwest catch. Small supplies have also been received from the Southern Sea, the Lobos Islands, Falkland Islands, and Cape Horn; but the skins arriving from these last mentioned localities make no figure in the market. That what is known as the Alaska catch, consist of skins of seals which are killed upon the Pribilof Islands in the Bering Sea, and the Copper catch of skins, which are killed upon the Copper and Bering Islands, in Russian waters.

That the Northwest skins consist of skins taken from animals which are caught in the open Pacific Ocean, off the coast of British Columbia or in the Bering Sea.

That at the present time, and for many years last past, the skins coming to the market and which are known to *Alfred Fraser, p. 555.* commerce, have come from the following sources:

1. And by far the most important are the Northern Pacific skins, which are known to the trade under the following titles:

The "Alaska" catch, which are the skins of seals caught on the Pribilof Islands, situated in Bering Sea. For many years past the whole of the skins caught upon these islands have been sold by deponent's firm, and a statement of the number of skins so sold in each year is appended hereto and marked Exhibit A, showing the aggregate of such skins sold from the year 1870 to the year 1891, inclusive, as 1,877,977.

The "Copper" catch, being the skins of seals caught upon what are known as the Commander Islands, being the islands known as Copper

and Bering Islands. All the skins so caught have been sold by deponent's firm in the city of London, and the total number of such "Copper" catch from the year 1872 to 1892 appears upon the statement which is hereto annexed and marked Exhibit B, showing the total so sold during such years of 768,096 skins.

The "Northwest" catch, being the skins of seals caught in the open sea either of the Pacific Ocean or of the Bering Sea. These skins were originally caught exclusively by the Indians and by residents of the colony of Victoria and along the coast of the British Possessions. A statement of the total number of the catch from the year 1868 to 1884, inclusive, is appended hereto and marked Exhibit C, showing a total of 153,348. That statement is divided into three heads: First, the salted "Northwest" coast skins; second, the dried "Northwest" coast skins, both of which were mainly sold through deponent's firm in London; and third, salted "Northwest" coast skins, dressed and dyed in London, but not sold there. It will be noticed that in the years 1871 and 1872 an unusually large proportion of dried skins appear to have been marketed. Those skins were purchased in this year from the Russian American Company, which was the lessee of the Russian Government on the Pribilof Islands prior to the cession of Russian America to the United States. Those skins had been accumulated by the Russian Company and sold when the Americans took possession. For the years 1871 and 1872, therefore, the surplus skins over the average for the other years should be rejected in a computation of the general average of seals killed during the years from 1868 to 1884, inclusive.

From the year 1885 to the year 1891 the number of skins included in the "Northwest" catch enormously increased, and a statement of such skins is hereto annexed and marked Exhibit D, showing a total of 331,962, and is divided, like the statement marked Exhibit C, into three heads: The salted Northwest coast skins, the dry Northwest coast skins, and the salted skins dressed and dyed in London, but not sold there. The majority of the first two classes were, as in the previous case sold by deponent's firm. The great majority of these skins appearing in the last-mentioned statement are the skins caught by vessels sent out from the Canadian provinces; many also by vessels sent out from San Francisco, Port Townsend, and Seattle; and a few from vessels sent out from Yokohama; the majority, however, are supposed to have been caught by vessels sent out from British harbors. A large number of the skins included in Exhibit D have been consigned to C. M. Lampson and Co., by the firm of Herman Liebes & Co., of San Francisco. In estimating the total number of the "Northwest" catch it should also be mentioned that something like 30,000 skins belonging to that catch have been dressed and dyed in the United States, which have not gone to London at all.

Besides the "Alaska," "Copper," and "Northwest" skins there are also a certain number of skins arriving in London, known as the Lobos Island skins, although the same are not handled by the firm of C. M. Lampson & Co.; but the total number of which, from the year 1872 to the year 1891, inclusive, is, as appears from the catalogues of sales, 247,777. The Lobos Island skins are those of seals killed on the Lobos Island, belonging to the Republic of Uruguay; and deponent is informed and believes that there is no open-sea sealing in the vicinity of such island, and that the animals are protected on the island as they are on the Russian and Pribilof Islands, by prohibition from the killing of females and limiting the number of males killed in each year. A statement of the seals killed on Lobos Island is hereto annexed and

marked Exhibit E, from which it appears that there is a regular annual supply obtained from that source, which shows no diminution.

There are also a certain number of skins sold in London, obtained from rookeries at or near the Cape of Good Hope, the exact number of which deponent is not able to state, but which, he is informed, shows a steady yield.

The statements marked A, B, C, D, and E, hereunto appended, have been carefully prepared by me personally, and the figures therein stated have been compiled by me from the several sale catalogues of C. M. Lampson & Co., and others from my private books, which I had kept during all the years covered by the statements; and I am sure that those statements are substantially accurate and truly state the respective numbers of the skins caught and sold which they purport to state:

Alfred Fraser, p. 558.

EXHIBIT A.

Salted Alaska fur-seal sold in London.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1870	9,966	1879	100,036	1888	100,000
1871	100,896	1880	100,161	1889	100,000
1872	96,283	1881	99,921	1890	20,994
1873	101,248	1882	100,100		4,158
1874	90,150	1883	75,914	1891	13,478
1875	90,634	1884	99,887		
1876	90,267	1885	99,719	Total	1,877,977
1877	76,410	1886	99,910		
1878	99,911	1887	90,940		

* Food skins.

Alfred Fraser, p. 559.

EXHIBIT B.

Salted Copper Island fur-seal sold in London.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1872	7,182	1880	38,885	1888	46,833
1873	21,614	1881	45,209	1889	47,416
1874	30,349	1882	38,111	1890	96,486
1875	34,479	1883	36,500	1891	17,025
1876	33,298	1884	26,675	1892	80,678
1877	25,380	1885	48,929		
1878	19,000	1886	41,752	Total	768,096
1879	28,211	1887	54,584		

EXHIBIT C.

Salted Northwest Coast fur-seal skins sold in London prior to pelagic sealing in Bering Sea.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1872	1,029	1877		1882	11,727
1873		1878	264	1883	2,319
1874	4,949	1879	12,212	1884	9,242
1875	1,646	1880	8,939		
1876	2,042	1881	9,897	Total	64,303

Salted Northwest Coast fur-seal skins, dressed and dyed in London (but not sold there), taken prior to pelagic sealing in Bering Sea.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1872	600	1877	772	1882	11,159
1873	40	1878	2,424	1883	6,385
1874	122	1879	2,397	1884	10,115
1875	578	1880	4,562		
1876	1,062	1881	5,890	Total	46,215

Dry Northwest Coast fur-seal skins sold in London prior to pelagic sealing in Bering Sea.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1868	2,141	1874	2,772	1880	
1869	1,671	1875	1,361	1881	686
1870	684	1876	993	1882	321
1871	12,495	1877	1,173	1883	390
1872	14,584	1878	912	1884	785
1873	891	1879	918	Total	42,767

Of the skins sold in 1871 and 1872 a very large proportion were the accumulation of the Russian American Company and sold by them after the purchase of Alaska by the United States.

RECAPITULATION.

	Year.	Skins.
Salted skins sold in London	1872-1884	64,366
Salted skins dressed and dyed in London	1872-1884	46,215
Dry skins sold in London	1868-1884	42,767
Grand total		153,348

EXHIBIT D.

Alfred Fraser, p. 560.

Dry Northwest Coast fur-seal skins sold in London after commencement of pelagic sealing in Bering Sea.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1885	1,520	1888	1,252	1891	1,083
1886	979	1889	228		
1887	2,848	1890	699	Total	8,604

Salted Northwest Coast fur-seal skins dressed and dried in London (but not sold there), taken after the commencement of pelagic sealing in Bering Sea.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1885	16,067	1887	8,589	1889	2,017
1886	15,067	1888	1,930		
				Total	39,290

In addition to above it is estimated that from 25,000 to 30,000 skins have been dressed and dyed in the United States.

Salted Northwest Coast fur-seal skins sold in London after commencement of pelagic sealing in Bering Sea.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1885	2,078	1889	39,563	1892 *.....	28,298
1886	17,908	1890	38,315		
1887	36,907	1891	54,180	Total	254,068
1888	36,818				

* To date.

RECAPITULATION.

	Year.	Skins.
Dry skins sold in London	1885-1891	8,604
Salted skins, dressed and dyed in London, but not sold there	1885-1890	39,290
Salted skins, dressed and dyed in the United States, estimated	1885-1889	30,000
Salted skins sold in London	1885-1892	254,068
Grand total.....		331,968

EXHIBIT E.

Salted Lobos Island fur-seal sold in London.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1873	6,956	1881	13,569	1889	8,755
1874	8,509	1882	13,200	1890	18,541
1875	8,179	1883	12,861	1891	15,834
1876	11,353	1884	16,258	1892*	4,800
1877	13,066	1885	10,953		
1878	12,301	1886	13,667	Total	247,777
1879	12,295	1887	11,068		
1880	14,865	1888	20,747		

* To date.

That the history of the fur-seal skin business and the sources of its supply have been fully and correctly described *Sir G. E. Lampson, p. 565.* by deponent's partner, Mr. Emil Teichmann, and deponent was present at the time when the deposition of Mr. Teichmann was dictated to the shorthand writer. The principal present sources of the supply of the seal-skin market are what are known as the Alaska catch, the Copper Islands catch, and what is known as the Northwest catch. As stated by Mr. Teichmann, the skins of these several catches are readily distinguished from each other, and separate sets of forms or patterns are used by deponent's firm in sorting and sizing the skins of the three catches. These differences are emphasized by the fact that the skins of the three catches are of different values and produce in the market different prices.

The skins of the Alaska and Copper Island catch are almost exclusively skins of male seals and the skins of the Northwest capture are in like manner largely the skins of female seals. What is now called the Northwest catch was for many years known as the Victoria catch, and prior to 1884 the skins of this catch came to the London market consigned largely by the firm of Hermann, Liebes & Co. to the deponent's firm and averaged for many years about 10,000 or 12,000 skins per year. In 1884 the skins of this catch began to increase largely in

number, and the numbers which since that year have arrived in the London market are stated with substantial accuracy upon the lists annexed to the affidavits of my partners, Messrs. Fraser & Teichmann.

The skins which have come to the London market within the last few years have been principally what are known as the Alaska catch, the Copper Island catch and *Walter E. Martin, p. 569.* the Northwest catch. Small supplies are also obtained from the Lobos Islands, Cape Horn, and Australasia, but the skins got from last three mentioned localities play an inconsiderable part in the business. That the great majority of the skins coming into the market are known as the Alaska, the Copper Island, and the Northwest skins.

That from about the year 1879 down to the present time the principal fur-seal skins coming to the London market have been what are known as the Alaska catch, being *Henry Poland, p. 571.* the skins of fur-seals killed upon the Pribilof Islands, in the Bering Sea, the Copper Islands catch being the skins of fur-seals killed upon the Kommandorski and Robben Islands of Russia, and what are known as the Northwest catch. Until within two or three years ago a very considerable number of skins also arrived on the London market, amounting, perhaps, to several thousand annually, which were known as Japanese skins.

That later on, from the year 1878, we have noticed in the London market seal-skins called Victoria or Northwest coast skins, the quantity of which is variable, but *Leon Revillon, p. 589.* which has continually increased until last year, when the total quantity was held at 80,000 skins.

That we have often heard, and from different sources, that these last-named skins [Victoria or Northwest coast skins] are in the majority the skins of the female seal. The thinness of the hair upon the flanks seems to confirm this assertion, although it is impossible for us to test the absolute truth of this statement for ourselves, for when the seals have been dressed the signs of the mammals disappear. At any rate the employment of these skins is much less advantageous to our business because there is a great predominance of small skins, which are evidently those of young seals which are not killed by the companies which have the concessions for the Alaska and Copper seal-skins. Moreover, these Victoria or Northwest coast seal-skins are riddled with shot, which very materially depreciates their value, while the seals of both the Alaska and Copper companies are killed by a blow of a club upon the head, which does not at all impair the quality of the skin as regards its ultimate uses.

That the fact that the annual production of Victoria or Northwest coast skins has increased in proportion as the Alaska skins has diminished seems to indicate that if fewer Northwest coast animals had been killed the quantity of Alaska skins would not have diminished.

That for many years last past the skins arriving in the market have been principally what are known as, first, the Alaska skins, which are the skins of seals killed upon the Pribilof Islands in the Bering Sea; second, what are called the Copper Island skins, which are the skins of seals killed on the Russian islands in the Bering Sea; and third, what

are called the Northwest catch, which are the skins of seals killed in the north part of the Pacific Ocean, or in the Bering Sea. A large proportion of the Northwest catch of skins have passed through deponent's hands for some years last past, and last year he handled nearly the whole of the Northwest catch.

Besides those three last-mentioned classes, the Alaska, Copper, and Northwest, a certain number of seal-skins also come to the London market from southern waters, notably Lobos Island and Cape Horn, but the skins from these localities are relatively much less important than the skins of the Northern Pacific regions.

That for many years last past the fur-seal skins coming on the London market have been known as, first, the Alaska

Wm. C. B. Stamp, p. 575. catch, which are the skins of seal killed upon the Pribilof Islands situated in the Bering Sea; sec-

ond, the Copper Island catch, which are the skins of seals killed on the Kommandorskii and Robben Islands in the Russian waters. The Robben Island skins were formerly separated from the Kommandorskii Islands and were of inferior quality, and it is only within the last eight or ten years that the Robben Island skins, which are inconsiderable in number, have been presumably mingled with the skins of seals caught on the Copper Islands and included in the term "Copper catch;" third, the Northwest catch, which are skins of seals killed in the open Pacific or Bering Sea.

There are known to the trade in purchasing raw fur skins from the North Pacific and Bering Sea three different va-

B. H. Sternfels, p. 522. rieties—the Copper Island skins, the West Coast skins, which are those shot and caught by hunters in the water, and, third, those taken from the Pribilof Islands. The most valuable are those taken from Pribilof Islands, and the next are the Copper Island skins, and those of least value are what is known as the West Coast catch. The latter, while of the same nature and from the same herd as those on the Pribilof Islands, are of less value because many of them are caught out of season. The skins are stagy and are full of holes from being shot. A number of them are cows in milk, and the fur on the belly is very much less valuable on that account.

Third. That for many years last past the skins of fur-seals actually coming into the markets of the world have been derived from the following sources:

I. *The Lobos Islands skins*, which are the skins of seals caught upon the islands of that name, situated off the River Platine and belonging to the Republic of Uruguay. These skins are consigned by the persons having the contract to take them with the Republic of Uruguay to Boulcher, Mortimer & Co., of London, by whom they are sold through Goad, Rigg & Co., and catalogues of the last-mentioned firm are published and have been inspected by deponent from time to time as published. The total number of skins derived from this source, as appears from an inspection of such catalogues, are, during the years 1873 and 1892 inclusive, set forth accurately in the paper which is annexed hereto and marked *Exhibit A*.

II. *Cape Horn skins*.—Prior to the year 1876 a small number of skins are supposed to have been obtained from this locality. They are not classified in our books or catalogues, nor in the books of any other per-

sons or firms, so that they can not now, from examining the books and catalogues, be readily identified or separated from skins coming from other southern localities, but from the year 1876 down to the present time they have been so classified, and a large number have been sold by deponent's firm. A statement of the skins obtained from Cape Horn is hereto appended and marked *Exhibit B*. The number of skins derived from this locality, as appears by that statement, fluctuated very largely in number, and I am informed that the reason for such fluctuation is that the seals from which the skins are obtained are killed mostly upon land, and that the weather in that part of the world is so severe that it is at times impossible to effect a landing upon or near the rookeries. So far as deponent knows, there is no protection of any kind for seals at Cape Horn other than that which is afforded by the difficulty of landing in order to kill the seals, in consequence of the heavy weather.

III. *Cape of Good Hope*.—From this locality a small but steady number of skins have been obtained during many years last past. These skins are not consigned to deponent's firm, but to other persons in London whose catalogues are published, and have been examined from time to time by deponent; and deponent is informed and believes from such examination of catalogues that the number of skins obtained from this source have been for the last few years about 5,000 per annum.

Deponent understands that the seals from which these skins are obtained are likewise killed mostly upon land, and he is also informed that some regulations for the protection of seal life at the Cape of Good Hope by regulating the killing of seal in that colony of the Cape of Good Hope have been established by the government of the said colony, but what those regulations are, if any such exist, deponent is not in a position to state.

In addition to the supplies from the above-mentioned sources, from 1,000 to 2,000 skins are obtained annually in Australasia, which includes New Zealand.

IV. The principal sources of supply for the market at the present time, and for many years last past, are the following.

Emil Teichmann, p. 578.

(a) What are known as the Alaska catch, which are the skins of male seals, killed upon St. Paul and St. Georges Islands in the Bering Sea.

(b) The Copper catch which come from the seals killed upon the Russian islands of Copper and Bering, called the Commander Islands, which are located in the Russian part of Bering Sea, and also the Robben Island, in the Okhotsk Sea, all which are also the skins of male seals.

(c) The Northwest catch. These are the skins of seals caught in the open North Pacific and Bering Sea.

Deponent further says that, commercially speaking, the seal skins now coming upon the markets of the world are obtained principally from three catches, known as the Copper, the Alaska, and the Northwest catches. The first includes the skins taken by the Russian Seal Skin Company from the Islands of Copper and Bering, known as the Commander Islands; also from Robben Island in the Okhotsk Sea. The Robben Island skins differ from those of the Commander Islands. The Alaska catch includes the seals killed upon the Pribilof Islands by the lessees of the United States, and the Northwest catch includes the seals

C. A. Williams, p. 537.

caught in the open Pacific and Bering Sea, exclusively, by what are known as poaching vessels, and are distinguished from the Alaska catch by the fact that they are all pierced by bullet, buckshot, or spear, and are almost all females.

The seal life of to-day available for commercial purposes is centered in three localities.

(1) The Lobos Islands, situated in the mouth of the river La Plata, owned and controlled by the Uruguay Republic

C. A. Williams, p. 542. and by that Government leased to private parties for the sum of \$6,000 per annum and some stipulated charges. The annual product in skins is about 12,000.

The skins are of rather inferior quality. Insufficient restrictions are placed upon the lessees in regard to the number of skins permitted to be taken annually, consequently there is some waste of life; nevertheless, the measure of protection allowed has insured the preservation of the "rookery," and will continue so to do.

(2) Kommandorski Couplet, which consists of the islands of Copper and Bering, near the coast of Kamchatka, in that portion of Bering Sea pertaining to Russia. These islands yield about 40,000 skins per annum of good quality, and are guarded by carefully restrictive rules as to the killing of seal, analogous to the statutes of the United States relative to the same subject.

The right to take seals upon them is leased by the Russian Government to an association of American citizens, who also hold the lease of the islands belonging to the United States, and are thus enabled to control and direct the business in fur-seal skins for the common advantage and benefit of all parties in interest. These islands can hardly be said to have been "worked" at all for salted seal skins prior to the cession of Alaska by Russia to the United States, and the United States Government now profits by the industry to the extent of the duty of 20 per cent collected on the "dressed skins" returned to this country from the London market. From 1873 to 1887, inclusive, this return has been 121,275 skins.

(3) The Pribilof group consists of the islands of St. Paul and St. George, and is a Government reservation in that part of Bering Sea ceded to the United States by Russia, together with a part of Alaska. So exhaustive an account of these islands and their seal life has been given by Mr. H. W. Elliott, special agent of the Treasury Department in 1874, and since intimately connected with the Smithsonian Institution, which account has been made a part of Tenth Census Report, that it would be intrusive here to attempt to supplement aught, and therefore only generalizations based on said report, and such statements of life and procedure on the islands to-day are presented as may be pertinent in this connection.

These islands are places of annual resort for the largest herd of fur seal the world has ever known, and the only one of great importance now existing. After most careful examination, Mr. Elliott estimated their numbers at over 4,500,000. After a thorough study of the influences which act for or against the increase or diminution of the life of this vast body, taking into account the killing of 100,000 annually for their skins, Mr. Elliott says: "I have no hesitation in saying quite confidently that under the present rules and regulations governing the sealing interest on these islands, the increase or the diminution of the life will amount to nothing; that the seals will continue for all time

about the same number and condition." It goes without saying that if new influences for destruction are brought in, seal life would be diminished in proportion to the effectiveness of said influences.

EXHIBIT B.

[From C. M. Lampson & Co. to C. A. Williams, August 22, 1889.]

LONDON, 64 QUEEN STREET, E. C.,
August 22, 1888.

DEAR SIR: We beg to acknowledge receipt of your favor of the 10th instant, inclosing draft of a paper to be submitted to Congress on merchant marine and fisheries. *C. A. Williams, quoting C. M. Lampson & Co., p.*

We have read the paper with a great deal of interest and consider that it places the matter in a thoroughly impartial way before its readers. It has been so carefully prepared and goes into all details so fully that we can add but little to it. There are, however, one or two points to which we beg to draw your attention, and which you will find marked in red ink on the paper.

When speaking of the supply of fur-seal skins we would suggest mentioning the following localities:

(1) *Cape of Good Hope*.—From some islands off this cape, under the protection of the Cape Government, a yearly supply of from 5,000 to 8,000 skins is derived. All these skins come to the London market, part of them being sold at public auction, the remainder being dressed and dyed for account of the owners.

(2) *Japan*.—The supply from this source has varied very much of late years, amounting sometimes to 15,000 skins a year, at others to only 5,000. Last year, we understand, the Japanese Government passed stringent laws prohibiting the killing and importation of seals, with the view of protecting seal life and encouraging rookeries, and the consequence has been that this year very few skins have come forward.

(3) *Vancouver's Island*.—For many years past, indeed long before the formation of the Alaska Company, regular supplies of fur-seals in the salted and parchment state, have come to the London market, killed mostly off Cape Flattery. The quantity, we should say, has averaged at least 10,000 per annum. This catch takes place in the months of March and April, and we believe that the animals from which these skins are derived are the females of the Alaska seals, just the same as those caught in the Bering Sea.

Had this quantity been materially increased we feel sure that the breeding on the Pribilof Islands would have suffered before now; but fortunately the catch must necessarily be a limited one, owing to the stormy time of the year at which it is made and the dangerous coast, where the seals only for a short time are found. It must, however, be evident that if these animals are followed into the Bering Sea and hunted down in a calm sea in the quietest months of the year a practically unlimited quantity of females might be taken, and, as you say, it would be only a few years till the Alaska seal was a thing of the past.

Yours, very truly,

O. M. LAMPSON & CO

O. A. WILLIAMS, Esq.,
New London.

35 B S

I hereby append to and make a part of this affidavit a table, marked A, giving the number of seals killed each day on Chas. J. Goff, p. 113. the island of St. Paul during the years 1889 and 1890 up to the 20th day of July.

I also append to and make a part of this affidavit a table, marked B, showing the killing of seals on the island of St. Paul up to July 20, for the years 1870 to 1890, inclusive, compiled from the records kept at the Government house on St. Paul Island.

A.—Table showing the killing of fur-seals on St. Paul Island up to July 20, 1890, by the North American Commercial Company.

VILLAGE KILLING GROUND.

Date.	Number killed.	Date.	Number killed.
1889.		1890.	
June 5.	201	June 6.	116
10.	120	11.	574
12.	947	13.	132
14.	762	16.	817
15.	340	17.	187
17.	895	18.	274
18.	1,161	20.	229
19.	1,561	21.	292
20.	253	23.	521
22.	1,353	24.	426
24.	2,578	25.	266
25.	979	26.	117
26.	1,314	27.	396
27.	311	28.	206
28.	1,349	30.	200
29.	1,038		
Total.....	15,163	Total.....	4,402
July 1.	1,023	July 1.	246
2.	834	2.	242
3.	1,841	3.	183
4.	1,716	4.	494
5.	1,255	5.	526
6.	1,302	7.	411
8.	814	8.	261
9.	1,314	9.	163
10.	654	10.	378
12.	2,004	12.	632
13.	1,006	13.	211
15.	8,085	14.	104
16.	1,911	15.	815
17.	1,931	17.	372
18.	2,046	18.	226
19.	2,017	19.	556
20.	1,913	20.	790
Total.....	26,666	Total.....	6,111

A.—Table showing the killing of fur-seals on St. Paul Island, etc.—Continued.

NORTHEAST POINT KILLING GROUND.

Date.	Number killed.	Date.	Number killed.
1889.		1890.	
June 17.....	1,054	June 17.....	16
18.....	1,270	18.....	78
19.....	494	20.....	438
21.....	1,205	21.....	96
24.....	754	23.....	179
25.....	1,407	24.....	205
26.....	441	25.....	166
27.....	844	27.....	230
28.....	479	28.....	79
29.....	335	30.....	98
Total	15,076	Total	5,007

RECAPITULATION.

Total number of fur-seal killed by lessees on St. Paul Island from June 1 to July 20.

1889.....	65,180
1890.....	17,105

B.—Table showing the beginning of each sealing season on the islands of St. Paul and St. George from 1870 to 1890, inclusive, and the number of fur-seals accepted by the lessees up to July 20 of each year.

Year.	St. Paul.		St. George.		Total skins accepted.
	Season began—	Skins accepted.	Season began—	Skins accepted.	
1870.....					
1871.....	1	29,788	June 4	12,604	42,392
1872.....	1	65,499	3	21,563	87,062
1873.....	3	68,035	4	17,362	85,397
1874.....	3	88,058	1	8,554	96,612
1875.....	1	88,890	1	10,000	93,890
1876.....	3	68,367	1	10,000	79,367
1877.....	4	58,732	1	15,000	73,732
1878.....	8	78,570	10	16,709	95,379
1879.....	2	80,572	3	20,569	101,141
1880.....	1	80,000	8	20,000	100,000
1881.....	6	80,000	9	20,000	100,000
1882.....	2	80,000	6	20,000	100,000
1883.....	4	80,101	4	11,123	71,224
1884.....	8	83,092	4	11,152	94,244
1885.....	3	70,451	1	15,000	85,451
1886.....	4	72,120	8	13,335	85,455
1887.....	1	77,389	9	13,381	90,770
1888.....	2	73,808	6	13,187	86,995
1889.....	1	68,485	4	13,138	78,628
1890.....	6	16,833	3	4,112	20,945

Max Heilbronner, p. 117.

SEAL-SKIN RECORD OF ST. PAUL ISLAND, ALASKA, 1871 TO 1889.

Showing the dates, the rookeries from which the seals were driven, and the number killed from each drove, except that the catch at Northeast Point is entered weekly, without designating the particular part of that rookery from which the animals were driven.

1871.

May 15.	Reef and Tolstoy.....	175	Aug. 24.	Zoltoy	122
24.	Reef.....	243	29.	Zoltoy	53
June 1.	Tolstoy	578	Sept. 4.	Ketovy	189
2.	Reef	220	11.	Zoltoy	158
5.	Reef	904	13.	Northeast Point.....	52
6.	English Bay	1,680	18.	Zoltoy	105
9.	Southwest Bay.....	969	26.	Zoltoy	77
10.	Southwest Bay.....	1,730	Oct.	2. Lukanan.....	133
13.	Reef	861	9.	Halfway Point.....	1,117
15.	English Bay and Tol- stoy	1,130	10.	Ketovy	1,300
18.	Reef	1,387	11.	English Bay and Tol- stoy	1,300
20.	Southwest Bay.....	1,069	13.	English Bay and Tol- stoy	1,326
20.	Southwest Bay.....	901	14.	Reef	825
22.	Lukanan.....	1,283	16.	Lukanan.....	631
23.	Tolstoy	495	17.	Reef	683
24.	Reef	791	19.	English Bay and Tol- stoy	1,157
24.	Northeast Point.....	2,653	12.	English Bay and Tol- stoy	2,454
27.	English Bay	259	17.	Northeast Point.....	1,490
28.	English Bay and Tol- stoy	2,128	18.	Northeast Point.....	732
29.	Reef	1,006	19.	Northeast Point.....	1,436
30.	Tolstoy	274	21.	English Bay and Tol- stoy	3,412
July 1.	Tolstoy	914	25.	English Bay and Tol- stoy	2,181
3.	Northeast Point.....	2,038	27.	Reef	712
5.	Reef and Lukanan	808	27.	Ketovy	1,420
6.	Reef and Lukanan	2,815	28.	Reef	676
7.	Reef	1,187	28.	Northeast Point.....	3,032
8.	Reef	751	28.	English Bay	2,987
17.	Zoltoy	1,029	Nov. 6.	Reef	718
21.	Lukanan and Tolstoy ..	1,922	16.	English Bay	501
22.	Northeast Point.....	3,352	Dec. 19.	Reef	644
22.	Ketovy	778	30.	English Bay	486
24.	Zoltoy	1,172			77,620
26.	Lukanan	1,788			
28.	Northeast Point.....	3,836			
28.	Tolstoy	1,3 8			
31.	Lukanan.....	650			
Aug. 11.	Zoltoy	205			
18.	Zoltoy	150			

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1872.

May	14. Reef.....	227	July	13. English Bay.....	2, 319
	24. Reef.....	455		15. Zoltoy.....	1, 133
June	1. Reef.....	759		16. Halfway Point.....	1, 659
	3. Tolstoy.....	278		18. English Bay.....	2, 343
	5. Reef.....	293		19. Northeast Point.....	4, 204
	10. Tolstoy.....	209		19. Lukanan.....	836
	11. Southwest Bay.....	1, 607		22. Zoltoy.....	628
	12. Reef.....	662		25. Zoltoy.....	1, 369
	13. English Bay.....	1, 730		25. English Bay.....	2, 070
	14. Tolstoy and Lukanan.....	1, 048		29. Zoltoy.....	10
	14. Northeast Point.....	4, 003	Aug.	6. Zoltoy.....	119
	15. Reef.....	702		14. Zoltoy.....	87
	17. Zoltoy.....	388		16. Northeast Point.....	20
	19. English Bay.....	2, 826		19. Zoltoy.....	112
	20. Reef and Zoltoy.....	1, 166		29. Lukanan.....	151
	21. Lukanan.....	1, 702	Sept.	6. Lukanan.....	55
	21. Northeast Point.....	5, 014		13. Lukanan.....	29
	22. Lukanan.....	524		20. Lukanan.....	11
	24. Reef and Zoltoy.....	910	Oct.	10. Lukanan.....	10
	27. English Bay.....	4, 615		22. Lukanan.....	17
	28. Tolstoy.....	1, 315		28. English Bay.....	1, 255
	28. Lukanan.....	318		29. English Bay and Reef ..	664
	28. Northeast Point.....	5, 109		31. English Bay and Reef ..	11
	29. Lukanan.....	798		31. Northeast Point.....	1, 680
July	2. Zoltoy.....	1, 839	Nov.	29. Tolstoy.....	395
	5. English Bay.....	3, 259	Dec.	5. Reef.....	66
	5. Northeast Point.....	5, 117		6. Tolstoy.....	391
	6. Zoltoy.....	1, 610			
	9. English Bay.....	3, 135			
	12. Lukanan and Zoltoy.....	2, 060			
					75, 352

1873.

May	23. Southwest Bay.....	96	July	7. Zoltoy and Lukanan.....	1, 502
	23. Reef.....	188		9. English Bay.....	2, 485
June	3. Reef and Tolstoy.....	796		9. Northeast Point.....	1, 614
	4. Southwest Bay.....	700		14. Tolstoy.....	917
	6. Reef and Tolstoy.....	916		15. Zoltoy.....	1, 228
	11. English and Southwest Bays.....	2, 445		16. Lukanan.....	1, 540
	12. Reef and Zoltoy.....	1, 656		17. English Bay.....	1, 553
	14. English Bay.....	2, 016		18. Zoltoy.....	925
	14. Northeast Point.....	3, 242		19. Lukanan and Zoltoy.....	1, 045
	17. Tolstoy.....	1, 758		19. Northeast Point.....	5, 696
	17. Reef and Zoltoy.....	455		21. English Bay.....	752
	17. Lukanan.....	663		22. Lukanan and Zoltoy.....	1, 926
	20. Southwest Bay.....	3, 910		23. Lukanan and Zoltoy.....	446
	21. Zoltoy.....	650		23. Northeast Point.....	2, 725
	23. Tolstoy.....	1, 787	Aug.	4. Zoltoy.....	173
	23. Northeast Point.....	3, 410		13. Zoltoy.....	144
	25. English Bay.....	3, 137		19. Zoltoy.....	65
	27. Reef and Lukanan.....	2, 191		25. Lukanan.....	72
	28. Zoltoy.....	1, 142	Sept.	1. Tolstoy.....	47
	28. Northeast Point.....	5, 020		9. Tolstoy.....	25
July	1. Tolstoy.....	1, 838	Oct.	25. Tolstoy.....	11
	2. Zoltoy and Lukanan.....	2, 322	Dec.	9. Tolstoy.....	135
	3. English Bay.....	1, 927		20. Tolstoy.....	355
	4. Zoltoy.....	2, 194		30. Tolstoy.....	242
	5. Zoltoy.....	693			
	5. Northeast Point.....	4, 662			
					75, 437

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1874.

April 27.	Northeast Point.....	14	June 30.	Tolstoy and Zoltoy	1, 212
May 6.	Southeast Bay.....	407	July 1.	English Bay	2, 208
19.	Reef.....	336	3.	Zoltoy and Luckanan	2, 615
25.	Reef.....	303	3.	Tolstoy	1, 537
30.	Reef.....	217	4.	Zoltoy and Lukanan	536
June 3.	English and Southwest Bays	2, 391	4.	Northeast Point.....	3, 014
3.	Reef.....	538	6.	Tolstoy	1, 364
4.	English Bay and Tol- stoy	556	8.	English Bay	2, 702
6.	Northeast Point.....	4, 062	9.	Zoltoy	1, 987
8.	Reef and Zoltoy.....	638	9.	Lukanan and Tolstoy	1, 580
9.	English and Southwest Bays	1, 897	10.	Zoltoy	432
10.	Tolstoy.....	634	10.	Northeast Point.....	3, 367
11.	Reef.....	540	13.	Tolstoy and Lukanan	1, 664
13.	English and Southwest Bays	1, 982	14.	English Bay	2, 169
13.	Tolstoy.....	620	15.	Zoltoy	468
13.	Northeast Point.....	4, 724	16.	Lukanan	1, 094
15.	Reef and Zoltoy.....	889	16.	Zoltoy	668
17.	English Bay and Tol- stoy	2, 689	17.	Lukanan	527
17.	Zoltoy.....	474	17.	Northeast Point	4, 004
18.	Southwest Bay	1, 665	23.	Zoltoy	127
19.	Southwest Bay	1, 750	28.	Zoltoy	165
20.	Tolstoy and Luckanan	2, 563	Sept. 5.	Zoltoy	110
20.	Zoltoy	470	10.	Zoltoy	104
20.	Northeast Point.....	7, 212	17.	Zoltoy	124
23.	Zoltoy and Luckanan	3, 977	24.	Zoltoy	116
25.	English Bay.....	2, 688	7.	Zoltoy	91
25.	English Bay.....	580	16.	Zoltoy	108
26.	Reef and Zoltoy.....	1, 913	25.	Zoltoy	117
27.	Lukanan	1, 321	Oct. 1.	Zoltoy	44
27.	Northeast Point	8, 129	19.	Reef.....	118
			29.	Reef.....	196
			Dec. 17.	Reef.....	1, 474
					92, 221

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1875.

Jan.	3. Northeast Point	25	June	26. Southwest Bay	4, 036	
Feb.	10. Northeast Point	9		26. Northeast Point	7, 323	
	16. Northeast Point	6		28. Reef and Zoltoy	1, 526	
Mar.	6. Northeast Point	16		30. English Bay	3, 925	
May	6. Southwest Bay	178	July	1. Lukanan and Zoltoy	2, 534	
	6. Southwest Bay	311		3. Northeast Point	5, 020	
	10. Northeast Point	9		6. Zoltoy	1, 248	
	14. Northeast Point	20		8. English Bay	3, 365	
	18. Reef	143		9. Tolstoy	2, 097	
	24. Reef	656		10. Ketovy	1, 125	
	31. Reef	492		10. Northeast Point	5, 935	
June	1. Tolstoy	204		13. Zoltoy	1, 565	
	2. Southwest Bay	1, 198		14. Tolstoy	1, 810	
	5. Zoltoy and Tolstoy	692		14. Ketovy	746	
	7. Zoltoy, Tolstoy, and Reef	710		15. English Bay	2, 700	
	8. Southwest and English Bay	1, 560		16. Zoltoy	1, 205	
	10. Southwest and English Bay	1, 456		17. Northeast Point	7, 439	
	12. Reef and Zoltoy	631		17. Northeast Point	27	
	12. Northeast Point	4, 052		17. Zoltoy	637	
	14. Tolstoy	739		28. Zoltoy	159	
	15. Halfway Point	2, 115	Aug.	4. Zoltoy	235	
	16. Reef and Tolstoy	707		14. Ketovy	191	
	16. Lukanan	452		22. Zoltoy	159	
	18. Southwest and English Bays	3, 300		2. Zoltoy	101	
	19. Zoltoy	1, 363		11. Zoltoy	78	
	19. Northeast Point	5, 252		22. Zoltoy	41	
	21. Tolstoy	1, 830		30. Zoltoy	63	
	22. Zoltoy	1, 149	Oct.	12. Zoltoy	55	
	23. English Bay	3, 007		Nov.	5. Reef	155
	24. Lukanan	262			18. Tolstoy	1, 985
					27. Southwest Bay	9
						90, 036

1876.

Jan.	12. Tolstoy and Southwest Bays	709	July	1. Northeast Point	7, 000	
May	23. Southwest Bay	897		1. Tolstoy and Middle Hill	4, 495	
	30. Reef	223		4. Zoltoy and Ketovy	2, 644	
June	3. Southwest Bay	188		5. Tolstoy	2, 846	
	6. Reef	836		7. English Bay	2, 267	
	6. Reef	673		8. Northeast Point	8, 116	
	7. Tolstoy	468		8. Lukanan	2, 126	
	8. Southwest Bay	566		10. Zoltoy	2, 039	
	10. Zoltoy	173		10. Tolstoy	1, 974	
	10. Northeast Point	1, 585		21. Zoltoy	53	
	12. Zoltoy	868		29. Zoltoy	1, 040	
	13. Halfway Point	811	Aug.	2. Tolstoy	2, 139	
	14. Tolstoy	885		10. Lukanan	1, 538	
	15. Zoltoy and Reef	624		10. Zoltoy	120	
	16. Southwest Bay	2, 641		17. Ketovy	129	
	17. Northeast Point	3, 120		23. Ketovy	207	
	19. Zoltoy	2, 942	Sept.	1. Zoltoy	163	
	21. Tolstoy Hill	3, 161		9. Ketovy	50	
	22. Zoltoy	480		16. Zoltoy	9	
	24. Northeast Point	6, 193	Nov.	24. Southwest Bay	376	
	24. Southwest Bay	4, 503		25. Southwest Bay	127	
	26. Zoltoy	862		Dec.	14. Tolstoy	575
	28. English Bay	3, 017				77, 900
	29. Zoltoy	1, 442				

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1877.

May 22. Reef	332	June 30. Northeast Point	6,449
June 4. Reef	546	July 2. Zoltoy	1,849
5. Southwest and English Bay	796	3. Tolstoy and Lukanan ..	1,534
8. Southwest and English Bay	1,696	5. English Bay and Middle Hill	2,522
12. Reef and Zoltoy	446	6. Ketovy and Lukanan ..	2,275
13. Halfway Point	1,092	7. Northeast Point	5,660
14. Southwest and English Bay	1,647	7. Zoltoy	1,113
15. Tolstoy and Lukanan ..	1,506	9. Zoltoy	495
16. Zoltoy	1,092	10. Tolstoy and Middle Hill	2,086
18. Zoltoy	1,011	10. Northeast Point	2,172
19. Tolstoy and Middle Hill	1,458	14. Zoltoy	1,068
20. Southwest Bay	1,631	27. Zoltoy	75
21. Zoltoy and Lukanan ..	1,172	Aug. 6. Zoltoy	142
22. Halfway Point	1,224	11. Zoltoy	168
23. Tolstoy and Middle Hill	1,050	20. Zoltoy	176
23. Northeast Point	5,965	30. Zoltoy	108
25. Zoltoy	1,250	Sept. 12. Zoltoy	52
26. Halfway Point	430	Nov. 18. Zoltoy	201
27. Tolstoy and Middle Hill	2,020	27. Southwest Bay	1,241
28. Zoltoy and Lukanan ..	1,396	29. Southwest Bay	339
29. English Bay	2,166	Dec. 22. Northeast Point	20
30. Tolstoy and Middle Hill	1,915		61,584

1878.

May 20. Seal Lion Rock	205	June 29. Northeast Point	6,375
30. Southwest Bay and Tol- stoy	708	July 1. Halfway Point	2,237
June 8. Reef	857	2. Zoltoy and Ketovy	3,903
11. Southwest Bay and Tol- stoy	2,407	3. Lukanan	791
12. Reef	556	4. Zoltoy and Ketovy	2,010
13. Southwest and English Bays	1,098	5. Tolstoy	2,622
14. Tolstoy	887	6. Zoltoy and Ketovy	1,036
15. Ketovy and Zoltoy	1,282	6. Northeast Point	7,231
17. Tolstoy and Middle Hill	1,501	8. Halfway Point	484
18. Southwest and English Bays	2,271	8. Lukanan and Ketovy	885
19. Ketovy, Lukanan, and Zoltoy	992	9. Zoltoy	2,288
20. Tolstoy and Middle Hill	1,731	10. Zoltoy	916
21. Southwest Bay	1,457	10. Northeast Point	3,322
22. Zoltoy and Lukanan ..	1,309	12. Tolstoy and Middle Hill	3,600
22. Northeast Point	5,900	13. Zoltoy	2,101
24. Halfway Point	1,473	16. Tolstoy	1,986
25. Tolstoy and Middle Hill	1,552	17. Zoltoy	2,337
26. Lukanan and Zoltoy	1,895	18. Zoltoy	1,549
27. Southwest and English Bays	2,666	18. Lukanan	272
28. Ketovy and Zoltoy	1,661	30. Zoltoy	304
29. Tolstoy and Lukanan ..	1,130	Aug. 10. Zoltoy	294
		Nov. 26. Reef and Tolstoy	1,128
		28. Reef and Tolstoy	815
		Dec. 14. Northeast Point	183
			82,152

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1879.

May 20. Southwest and English Bays.....	278	June 28. Lukanan, Ketovy, and Zoltoys	1,206
26. Reef.....	525	28. Northeast Point.....	7,042
June 2. Reef.....	162	30. Tolstoy and Middle Hill.....	2,617
7. English and Southwest Bays	1,627	July 1. English Bay	2,148
9. Reef.....	434	2. Zoltoys and Lukanan	1,885
10. Halfway Point.....	1,188	3. Tolstoy and Ketovy	1,932
11. Southwest and English Bays	1,462	4. English Bay.....	2,106
12. Tolstoy.....	498	5. Lukanan and Ketovy	1,168
14. Southwest Bay and Middle Hill	997	5. Northeast Point	9,083
13. Reef, Zoltoys, and Ketovy	730	7. Tolstoy and Middle Hill	1,528
16. Halfway Point.....	522	8. Lukanan, Ketovy, and Zoltoys	1,920
17. Southwest Bay and Middle Hill	1,331	9. Lukanan, Ketovy, and Zoltoys	983
18. Reef, Zoltoys, and Ketovy	914	10. Tolstoy	948
19. Southwest and English Bays	1,110	10. Northeast Point	5,599
20. Tolstoy and Middle Hill.....	1,176	14. Zoltoys	2,652
21. Lukanan, Ketovy, and Reef.....	1,053	15. Zoltoys and Ketovy	1,283
21. Northeast Point.....	7,388	16. Tolstoy, Middle Hill, and Lukanan	2,282
23. Tolstoy and Middle Hill.....	2,300	25. Zoltoys	434
24. Southwest and English Bays	1,822	29. Zoltoys	429
25. Reef, Zoltoys, and Ketovy	1,995	Aug. 2. Zoltoys	237
26. Tolstoy, Middle Hill, and Zoltoys	1,542	11. Zoltoys	171
27. Halfway Point.....	1,940	28. Zoltoys	3
		Nov. 13. Reef	70
		27. Reef	162
		Dec. 6. Reef	845
		15. Reef	1,144
		26. Northeast Point	62
		Aug. 20. Zoltoys	121
			81,004

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1880.

May 14. Southwest Bay.....	206	June 30. Tolstoy and Middle Hill.....	2,297
22. Reef	225	July 1. Tolstoy and Middle Hill.....	1,621
29. Northeast Point	19	2. English Bay.....	2,373
June 1. Reef	216	3. Northeast Point	7,167
8. Southwest Bay	1,496	3. Zoltoy, Reef, and Ketovy	1,386
9. Reef.....	926	5. Halfway Point	789
11. Tolstoy and English Bay.....	884	5. Lukanan and Ketovy	651
12. Southwest and English Bays.....	762	6. Zoltoy	1,577
14. Halfway Point	1,204	7. Tolstoy and Lukanan	1,654
15. Reef and Zoltoy	763	8. Reef, Ketovy, and Zoltoy	2,218
16. Southwest and English Bays.....	990	9. Middle Hill and Lukanan	1,426
17. Reef, Zoltoy, and Ketovy	703	10. Northeast Point	7,073
18. Tolstoy and English Bay.....	1,618	10. Zoltoy, Ketovy, and Lukanan	1,221
19. Northeast Point	5,277	12. Zoltoy and Ketovy	817
19. English Bay and Middle Hill.....	801	13. Tolstoy and Middle Hill	1,763
21. Halfway Point	1,459	14. Reef, Zoltoy, and Lukanan	2,638
22. Reef, Zoltoy, and Ketovy	1,035	15. Middle Hill and Ketovy	1,834
23. Tolstoy and Middle Hill	1,701	16. English Bay	2,461
24. Reef, Zoltoy, and Ketovy	1,437	17. Zoltoy	531
25. English Bay and Middle Hill	2,580	30. Zoltoy	228
26. Reef, Zoltoy, and Ketovy	1,062	31. Zoltoy	218
26. Northeast Point	6,201	Aug. 19. Zoltoy	351
28. Halfway Point	1,514	Oct. 25. English Bay	60
29. Zoltoy and Lukanan.....	1,743	Nov. 29. English Bay	480
		Dec. 8. Reef	1,126
		9. Southwest Bay	13
		31. Northeast Point	125
			78,923

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1881.

Jan.	1. Tolstoy and Reef	·919	July	5. Zoltoy and Ketovy.....	1,129
	3. Tolstoy	122		6. English and Southwest	3,447
May 29	Reef	171		Bays	1,890
June 6	Reef and Zoltoy	421		7. Tolstoy and Zoltoy	1,118
	7. English and Southwest			8. Halfway Point	6,371
	Bays	1,225		8. Northeast Point	
	9. Reef	149		9. English Bay and Middle	
	10. Rocky Point	474		Hill	2,630
	14. Reef and Zoltoy	195		12. Tolstoy, Zoltoy, and	
	15. English and Southwest			Lukanan	3,073
	Bays	2,386		13. English Bay and Middle	
	16. Lukanan, Reef, and Zol-			Hill	1,778
	toy	723		14. English Bay	1,471
	17. Halfway Point	539		15. Tolstoy, Lukanan, and	3,558
	18. Tolstoy and English Bay	1,225		Zoltoy	
	20. Zoltoy and Lukanan	1,614		16. Lukanan, Ketovy, and	
	21. Tolstoy and Middle Hill	1,491		Zoltoy	711
	22. Tolstoy and English Bay	2,058		16. Northeast Point	16
	23. Zoltoy	1,163		18. Tolstoy, Lukanan, and	
	24. Halfway Point	638		Zoltoy	2,449
	24. English Bay and Middle			19. English Bay	2,300
	Hill	2,438		20. Tolstoy, Lukanan, and	
	25. Middle Hill, Lukanan,			Zoltoy	2,530
	and Zoltoy	1,275			
	25. Northeast Point	4,196	Aug.	1. Zoltoy	313
	27. English Bay and Tol-			5. Zoltoy	224
	stoy	1,252		16. Zoltoy	247
	28. Southwest and English		Nov.	5. Middle Hill	180
	Bays	1,919		16. Middle Hill	669
	29. Zoltoy and Lukanan	1,604		17. Tolstoy	490
	30. Zoltoy and Lukanan	3,000		21. Middle Hill	461
July	1. Tolstoy, Middle Hill,		Dec.	7. Southwest Bay	1,018
	and Ketovy	1,134		9. Reef	1,385
	2. Halfway Point	943			
	3. Northeast Point	7,369			
	4. English Bay and Middle				
	Hill	2,285			
					82,386

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1882.

Jan. 12. Sea Lion Rock	77	July 1. Northeast Point	5,830
Feb. 8. Sea Lion Rock	103	3. Southwest Bay.....	2,520
10. Sea Lion Rock	8	4. English Bay and Middle	
May 22. Tolstoy	134	Hill.....	2,037
22. Northeast Point	54	5. Zoltoy and Ketovy	1,778
30. Reef	146	6. Tolstoy, Middle Hill, and	
June 2. Southwest Bay.....	400	Zoltoy	1,241
7. Southwest Bay.....	847	7. English Bay and Middle	
8. Reef and Zoltoy.....	428	Hill	1,373
10. Reef and Zoltoy.....	488	8. Halfway Point.....	1,977
12. Southwest Bay.....	1,196	8. Northeast Point	5,128
13. Halfway Point	217	10. Zoltoy, Ketovy, and	
14. Southwest Bay.....	803	Lukanan.....	2,055
14. Northeast Point	1,393	12. Zoltoy, Ketovy, and	
16. Zoltoy and Halfway		Lukanan.....	1,928
Point	1,458	13. Southwest Bay.....	2,700
17. Southwest Bay and Zol-		14. English Bay and Middle	
toy	1,070	Hill.....	2,503
19. Lukanan, Ketovy, and		15. Northeast Point.....	4,037
Reef	986	15. Zoltoy and Lukanan....	1,046
20. Southwest Bay.....	2,010	17. English Bay and Middle	
21. Tolstoy and Middle		Hill.....	1,719
Hill	652	17. Northeast Point.....	874
22. Reef, Zoltoy, and Ke-		18. Zoltoy	923
tovy	1,457	19. Zoltoy, Ketovy, and	
23. Halfway Point	1,230	Lukanan.....	1,276
24. Tolstoy and Middle		20. Southwest Bay.....	724
Hill	1,083	25. Zoltoy	204
24. Northeast Point	5,987	Aug. 4. Zoltoy	251
26. Southwest Bay.....	1,861	14. Zoltoy	103
27. English Bay and Mid-		Nov. 17. Tolstoy and Middle Hill.	161
dle Hill	2,654	30. Tolstoy	803
28. Reef and Zoltoy.....	2,293	Dec. 6. Reef	865
29. Middle Hill and Tol-		12. Reef	398
stoy	1,791		
30. Halfway Point	1,497		
July 1. Zoltoy	1,021		
			77,798

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1883.

Jan.	1. Northeast Point.....	19	July	4. Middle Hill and Tolstoy	1,494
May	20. Southwest Bay.....	227		5. Reef, Zoltoy, and Luka-	
June	4. Tolstoy and Southwest Bay.....	590		nan	2,346
	6. Halfway Point.....	352		6. Middle Hill and Žoltoy.	1,755
	9. Reef and Zoltoy.....	175		7. Zoltoy and Lukanan....	935
	11. Southwest Bay.....	209		9. Northeast Point.....	5,066
	11. Tolstoy and Middle Hill	196		9. Middle Hill	1,161
	12. Reef and Zoltoy.....	351		10. Middle Hill, Tolstoy, and	
	13. Halfway Point.....	252		Zoltoy	1,923
	14. Southwest Bay.....	490		12. Lukanan and Halfway Point.....	1,657
	15. Tolstoy and Lukanan..	434		13. Southwest Bay.....	2,440
	16. Reef and Zoltoy.....	341		14. Middle Hill and Tolstoy	2,126
	18. Southwest Bay.....	417		16. Middle Hill and Eng-	
	19. Tolstoy, Middle Hill, and English Bay.....	734		lish Bay.....	2,059
	20. Halfway Point and Lu- kanan.....	904		17. Halfway Point and Zol- toy.....	1,115
	21. Reef and Zoltoy.....	955		18. Southwest Bay.....	1,873
	22. Middle Hill and Eng- lish Bay.....	1,401		19. Middle Hill, Lukanan, and Zoltoy.....	1,782
	23. Northeast Point.....	3,279		19. Middle Hill, Lukanan, and Zoltoy	101
	23. Tolstoy and Lukanan..	1,078	Aug.	1. Zoltoy	190
	25. English Bay and Middle Hill.....	1,428		10. Zoltoy	154
	26. Zoltoy and Lukanan...	838		20. Zoltoy	197
	27. Southwest and English Bays.....	1,638	Sept.	1. Zoltoy	112
	28. Tolstoy, Lukanan, and Zoltoy	1,607		12. Zoltoy	53
	29. Middle Hill and Zoltoy	1,515		Nov. 5. Reef	174
	30. Lukanan and Zoltoy...	1,191		26. Reef	155
	30. Northeast Point.....	5,012		27. Tolstoy	84
July	2. Halfway Point.....	1,699	Dec.	12. Reef	402
	3. Southwest Bay.....	2,151		19. Reef	421
					59,258

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1884.

Jan 2.	Reef	161	July 3.	Southwest Bay and Zol-	-
May 21.	Halfway Point and Reef.	187	4.	Middle Hill, Tolstoy, and	1,336
27.	Southwest Bay and Reef.	427	5.	Lukanan	1,512
June 3.	Reef	317	5.	Reef, Zoltoy, and Ke-	1,249
5.	Southwest Bay and Tol-	767	6.	tovy	5,799
9.	Halfway Point and Reef.	1,238	7.	Halfway Point	1,934
10.	English Bay	426	8.	Reef, Zoltoy, and Ke-	2,067
11.	Southwest Bay and Half-	1,356	9.	tovy	1,966
12.	Point	864	9.	Southwest Bay	3,003
13.	Middle Hill and Zoltoy.	771	10.	Northeast Point	1,915
14.	Reef and Zoltoy	837	12.	Middle Hill, Lukanan,	3,072
16.	Tolstoy and Halfway	1,421	13.	and Zoltoy	2,515
17.	Point	1,266	15.	Southwest Bay	2,049
18.	Halfway Point and	912	16.	English Bay and Middle	1,523
19.	Ketovy	486	17.	Hill	1,777
20.	English Bay and Tol-	1,786	18.	Zoltoy	1,868
21.	stoy	1,115	19.	Southwest Bay	5,089
21.	Southwest Bay	4,074	20.	English Bay and Middle	2,527
23.	Northeast Point	2,163	21.	Hill	1,907
24.	Halfway Point and Zol-	1,724	Aug. 1.	Zoltoy	229
25.	toy	1,194	5.	Zoltoy	89
26.	Southwest Bay	2,528	12.	Zoltoy	65
27.	English Bay and Middle	1,827	19.	Zoltoy	84
27.	Hill	1,500	26.	Zoltoy	57
28.	Zoltoy, Reef, and Ke-	1,662	Oct. 30.	Zoltoy	53
28.	tovy	1,824	Nov. 10.	Tolstoy	115
28.	Tolstoy, Middle Hill,	1,884	24.	Tolstoy	108
28.	and Lukanan		Dec. 5.	Zoltoy	487
30.	Northeast Point		24.	Reef	489
30.	Halfway Point and Zol-				84,733
July 1.	toy				
July 1.	Tolstoy, Zoltoy, and				
2.	Lukanan				
2.	English Bay and Middle				
	Hill				

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1885.

May	19. Sea Lion Rock.....	127	July	8. Lukanan and Ketovy..	2,548
	21. Sea Lion Rock.....	41		9. Middle Hill.....	1,292
June	27. Zoltoy.....	136		10. Halfway Point.....	2,302
	3. Reef.....	48		10. Northeast Point.....	3,916
	6. Reef.....	73		13. Southwest Bay.....	2,132
	11. Reef and Zoltoy.....	125		14. English Bay and Middle Hill.....	2,692
	13. Middle Hill and Tolstoy	587		15. Zoltoy.....	2,138
	15. Halfway Point.....	741		16. Halfway Point and Lukanan.....	2,137
	16. Reef and Lukanan.....	971		17. Zoltoy.....	2,201
	17. Southwest Bay.....	1,700		18. Reef and Middle Hill..	1,552
	18. English Bay and Mid- dle Hill.....	617		18. Northeast Point.....	4,160
	19. Halfway Point and Lukanan.....	1,307		20. Southwest Bay.....	1,590
	20. Reef and Zoltoy.....	986		21. Middle Hill and English Bay.....	2,720
	22. Zoltoy and Lukanan.....	789		22. Zoltoy, Reef, and Luka- nan.....	2,739
	23. Halfway Point and Zol- toy.....	1,142		23. Zoltoy and Middle Hill	1,603
	24. Southwest and English bays.....	1,733		23. Northeast Point.....	2,620
	25. Lukanan, Reef, and Zoltoy.....	1,679		24. Halfway Point and Middle Hill.....	2,495
	26. Halfway Point.....	1,372		25. Middle Hill, Lukanan, and Zoltoy.....	2,212
	27. Lukanan, Zoltoy, and Reef.....	1,328		27. Zoltoy and Ketovy....	983
	27. Northeast Point.....	4,970	Aug.	3. Zoltoy.....	147
	29. Southwest Bay.....	1,602		12. Zoltoy	178
	30. English Bay and Middle Hill.....	2,681		21. Zoltoy	176
July	1. Zoltoy and Lukanan...	1,782	Sept.	5. Zoltoy	44
	2. Middle Hill and English Bay.....	1,456	Oct.	26. Zoltoy.....	53
	3. Halfway Point and Zol- toy.....	2,132	Nov.	9. English Bay and Middle Hill.....	330
	4. Lukanan and Zoltoy...	976		21. Reef.....	144
	4. Northeast Point.....	4,152	Dec.	4. Reef.....	383
	6. Southwest Bay.....	1,271		17. Reef.....	701
	7. English Bay and Middle Hill.....	2,663			85,395

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1886.

Jan.	21. Sea Lion Rock	83	July	7. Reef, Zoltoy, and Lukanan	1,967
	29. Southwest Bay	49		8. Southwest Bay	1,466
May	17. Southwest Bay and Reef	300		9. English Bay and Middle Hill	1,562
	28. Reef	153		10. Reef, Zoltoy, and Lukanan	1,132
June	4. Reef	561		11. Northeast Point	4,822
	8. Southwest Bay and Tolstoy	1,323		12. Halfway Point	1,044
	9. Halfway Point	299		13. Southwest Bay and West Point	1,442
	10. Reef and Zoltoy	633		14. English Bay and Middle Hill	1,074
	11. Tolstoy	214		15. Reef, Zoltoy, and Lukanan	1,956
	14. Lukanan and Reef	427		16. Halfway Point	937
	15. Southwest Bay	1,166		17. Southwest Bay and West Point	2,055
	16. English Bay and Tolstoy	850		19. Northeast Point	4,422
	17. Halfway Point	833		19. Reef and Zoltoy	2,312
	18. Reef and Zoltoy	651		20. English Bay and Middle Hill	3,140
	19. Tolstoy and Middle Hill	1,064		21. Halfway Point	1,475
	19. Northeast Point	4,655		22. Southwest Bay and West Point	2,015
	21. Southwest Bay	1,890		23. Reef, Zoltoy, and Lukanan	3,147
	22. English Bay and Tolstoy	1,006		24. English Bay and Middle Hill	1,624
	23. Halfway Point	1,770		24. Northeast Point	4,186
	24. Zoltoy	1,555		26. Southwest Bay and Halfway Point	1,988
	25. Reef, English Bay, and Tolstoy	2,158	Aug.	3. Zoltoy	287
	26. Northeast Point	4,296		19. Zoltoy	282
	28. Southwest Bay	1,070	Sept.	6. Zoltoy	100
	29. English Bay and Zoltoy	1,503	Oct.	24. Reef	143
	30. Halfway Point and Lukanan	490	Nov.	23. Reef and Tolstoy	685
July	1. English Bay and Tolstoy	1,318	Dec.	1. Reef	378
	2. Southwest Bay	856		21. Tolstoy	191
	3. Reef and Zoltoy	1,259			
	3. Northeast Point	4,544			
	5. English Bay and Tolstoy	1,161			
	6. Halfway Point	942			
					84,890

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1887.

May 25.	Reef and Southwest Bay.	276	July 12.	English Bay and Lukanan.	2,593
June 6.	Tolstoy.	419	13.	Reef, Zoltoy, and Ketovy	3,028
9.	Reef.	314	14.	Halfway Point.	1,201
11.	Tolstoy.	501	15.	Tolstoy and Ketovy.	1,298
13.	Southwest Bay.	407	16.	Reef and Zoltoy.	988
15.	Reef and Zoltoy.	526	17.	Northeast Point.	6,324
16.	Halfway Point.	750	18.	West Point.	617
17.	Tolstoy and English Bay.	765	19.	Southwest Bay.	2,106
20.	Southwest Bay.	523	20.	English Bay and Tolstoy.	2,037
20.	Reef and Zoltoy.	1,641	21.	Zoltoy and Lukanan.	3,294
22.	English Bay and Lukanan.	1,004	21.	Halfway Point and La-	1,397
23.	Halfway Point.	1,314	22.	goon.	1,876
24.	Reef and Zoltoy.	1,165	22.	English Bay and Tolstoy.	5,565
25.	Northeast Point.	4,891	22.	Northeast Point.	2,226
25.	English Bay and Tolstoy.	1,961	23.	Zoltoy and Southwest	232
27.	Southwest Bay and West		Point.	Bay.	164
		1,180	24.	Middle Hill.	113
28.	Zoltoy and Lukanan.	2,964	Ang. 1.	Zoltoy.	207
29.	Tolstoy and Middle Hill.	1,898	8.	Zoltoy.	519
30.	Halfway Point.	1,604	Sept. 5.	Middle Hill.	403
July 1.	English Bay.	1,162	15.	Zoltoy.	106
2.	Northeast Point.	6,068	Nov. 6.	Zoltoy.	65
2.	Reef and Zoltoy.	1,616	7.	Middle Hill.	590
4.	Tolstoy and Middle Hill.	1,703	25.	Reef.	78
5.	Reef, Zoltoy, and Lukanan.	2,016	26.	Tolstoy and Middle Hill.	185
6.	Halfway Point.	990	Dec. 9.	Tolstoy and Middle Hill.	445
7.	English Bay and Tolstoy.	1,618	15.	Sea Lion Rock and South-	167
8.	Reef and Zoltoy.	1,125	West Bay.		85,986
9.	Northeast Point.	5,717			
9.	Southwest Bay.	2,061			

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Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1888.

Jan.	25. Northeast Point	532	July.	10. Reef and Zoltoy	1,062
	19. Tolstoy and Sea Lion Rock	122		12. English Bay and Lukanan	1,554
	24. Reef	113		13. Southwest Bay	1,337
	28. Reef	82		14. Northeast Point	5,088
	31. Zoltoy	290		14. Halfway Point	773
	June 2. Reef	121		15. West Point	480
	7. Reef and Zoltoy	175		16. Reef and Zoltoy	2,004
	9. Tolstoy	342		17. English Bay	2,054
	11. Southwest and English bays	927		18. Southwest Bay	2,216
	11. Northeast Point	121		19. Halfway Point and Lukanan	1,410
May	12. English Bay	584		20. Zoltoy and Reef	2,018
	15. Halfway Point	428		21. Northeast Point	5,463
	16. Reef and Zoltoy	788		21. English Bay and Lagoon	1,347
	18. Southwest Bay	764		23. Reef, Zoltoy, and Lukanan	1,269
	19. English Bay and Tolstoy	490		24. Halfway Point	347
	21. Reef and Zoltoy	1,398		25. English Bay	1,619
	22. Halfway Point	799		28. Northeast Point	3,565
	23. Northeast Point	5,562		26. Reef, Zoltoy, and Lukanan	1,353
	23. English Bay and Middle Hill	700		27. Southwest Bay and Zoltoy	950
	25. Southwest Bay	1,440		Aug. 2. Zoltoy	177
June	26. English Bay and Middle Hill	1,158		8. Zoltoy	140
	27. Reef, Zoltoy, and Lukanan	2,005		16. Zoltoy	155
	28. Halfway Point	911		23. Middle Hill and Lukanan	362
	29. Southwest Bay	1,098		25. Zoltoy	321
	30. Northeast Point	5,998		Sept. 6. Zoltoy	44
	30. English Bay and Middle Hill	1,625		15. Zoltoy	14
	July 2. Reef, Zoltoy, and Lukanan	2,071		Oct. 27. Middle Hill	32
	3. Halfway Point	1,188		Nov. 3. Middle Hill and Zoltoy	126
	4. Southwest Bay	822		15. Zoltoy	277
	5. English Bay and Lukanan	1,942		26. Zoltoy	111
July	6. Reef and Zoltoy	1,491		30. Reef	127
	7. Halfway Point	490		Dec. 17. Tolstoy	190
	7. Northeast Point	7,064		26. Sea Lion Rock	78
	9. English Bay and Lukanan	2,398			84,116

Seal-skin record of St. Paul Island, Alaska, 1871 to 1889, etc.—Continued.

1889.

May	22. Sea Lion Rock.....	124	July	10. Halfway Point	932
	25. Reef	41		12. Reef and Zoltoy	2,004
	26. Reef	284		13. Southwest Bay.....	1,006
June	5. Reef	201		13. Northeast Point	3,148
	10. Reef	120		15. English Bay and Middle	
	12. Tolstoy	947		Hill	3,083
	14. Reef and Zoltoy	764		16. Zoltoy, Reef, and Lukaan	1,911
	15. Southwest Bay	340		17. Halfway Point	1,931
	17. Halfway Point	1,229		18. English Bay, Middle	
	18. English Bay and Middle			Hill, and Lagoon	2,045
	Hill	1,160		19. Southwest Bay.....	2,016
	19. Zoltoy, Reef, and Lukaan	1,561		20. Zoltoy and Reef	1,913
	20. Southwest Bay	253		20. Northeast Point	6,301
	21. Northeast Point	4,156		22. English Bay and Middle	
	22. English Bay and Middle			Hill	1,943
	Hill	1,355		23. Reef, Zoltoy, and Ketyov	1,122
	24. Reef and Zoltoy	2,578		24. Halfway Point	1,334
	25. Halfway Point and Lukaan	979		25. English Bay and Middle	
	26. English Bay and Middle			Hill	1,752
	Hill	1,314		26. Southwest Bay.....	679
	27. Southwest Bay	311		27. Reef and Lukaan	1,105
	28. Reef, Zoltoy, and Ketyov	1,349		27. Northeast Point	3,140
	29. Northeast Point	4,260		29. English Bay and Middle	
	29. English Bay and Middle			Hill	1,640
	Hill	1,038		30. Halfway Point and	
July	1. Reef, Zoltoy, and Lukaan	1,023		Southwest Bay.....	1,588
	2. Halfway Point	834		31. Northeast Point	2,162
	3. English Bay and Middle		Aug.	31. Zoltoy	*156
	Hill	1,841		6. Lukaan	*163
	4. Reef, Zoltoy, and Lukaan	1,716		14. Zoltoy	*181
	5. Southwest Bay	1,255		22. Zoltoy	*139
	6. English Bay and Middle			31. Zoltoy	*87
	Hill	1,302		26. Lukaan	*44
	6. Northeast Point	5,627	Oct.	4. Zoltoy	*80
	8. Reef, Zoltoy, and Lukaan	813	Nov.	19. Tolstoy	*223
	9. English Bay and Middle			21. Reef	*347
	Hill	1,314		27. Reef	*189
				30. Reef	*246
			Dec.	11. Zapadnie	*240
					84,937

1890.

Jan. 27. Sea Lion Rock..... *170 | May 21. Sea Lion Rock..... *131

Recapitulation of seals killed for their skins on St. Paul Island, Alaska, from 1871 to 1889, inclusive.

1871.....	77,620	1876.....	77,900	1881.....	82,986	1886.....	84,890
1872.....	75,352	1877.....	61,584	1882.....	77,798	1887.....	85,996
1873.....	75,437	1878.....	82,152	1883.....	59,258	1888.....	84,116
1874.....	92,221	1879.....	81,004	1884.....	84,733	1889.....	84,937
1875.....	90,036	1880.....	78,923	1885.....	85,396		

I, Max Heilbronner, secretary of the Alaska Commercial Company of San Francisco, solemnly swear that the foregoing "seal-skin record of St. Paul Island, Alaska, 1871 to 1889," is formulated and compiled from

* Killed for food. The seals killed for food from July 31, 1889, to May 21, 1890, inclusive, do not appear in the records of the Alaska Commercial Company, but are compiled from the official report of the Treasury agent in charge.—M. H.

the books of said company kept on said island, now in my custody, and is correct and true, according to my best knowledge and belief.

MAX HEILBRONNER,
Secretary Alaska Commercial Company.

Subscribed and sworn to before me this 12th day of May, A. D. 1892.
[SEAL.]

CLEMENT BENNETT,
Notary Public.

Max Heilbronner, p. 167.

SEAL-SKIN RECORD OF ST. GEORGE ISLAND, ALASKA, 1871 TO 1889, INCLUSIVE.

Showing the dates, the rookeries from which the seals were driven, and the number killed from each drove.

1871.

June	4. Near rookery	123	July	10. Northern	1,769
	6. Northeast	98		12. Northern	1,021
	8. Near	69		14. Southwest	491
	9. Southwest	277		15. Northern	1,038
	13. Starrie Arteel	322		18. Northern	1,264
	15. Southwest	301		20. Southwest	484
	17. Northern	434		21. Northern	945
	20. Southwest	172		23. Southwest	542
	22. Northeast	518		25. Northern	792
	24. Starrie Arteel	594		27. Northern	1,054
	26. Southwest	298		28. Southwest	730
	27. Northeast	462		30. Starrie Arteel	1,270
	28. Starrie Arteel	571		31. Northern	893
	1. Northern	875	After August 1		237
	3. Southwest	303			
	5. Starrie Arteel	518			
	8. Southwest	612			
					19,077

1872.

June	4. Southwest	140	July	6. Southwest	574
	5. Near	26		7. Northeast	718
	8. Northeast	49		9. Starry Arteel and near.	667
	10. Southwest	162		10. Northeast	610
	11. Starry Arteel and near.	256		11. Southwest	1,412
	12. Northeast	61		12. Near	482
	14. Southwest	98		14. Northeast	1,332
	15. Starry Arteel and near.	328		15. Starry Arteel and near.	1,183
	17. Northeast	405		17. Northeast	770
	19. Northern and southwest	773		18. Starry Arteel and near.	575
	21. Northeast	860		20. Northeast	400
	22. Starry Arteel and near.	1,056		20. Southwest	1,171
	24. Southwest and northeast	890		21. Starry Arteel and near.	920
	25. Starry Arteel and near.	837		23. Northeast	703
	27. Northeast	805		25. Northeast	400
	28. Starry Arteel and near.	960		25. Starry Arteel and near.	552
	29. Southwest	643		27. Southwest	227
	1. Northeast	981		27. Starry Arteel and near.	286
	2. Starry Arteel and near.	883		27. Northeast	360
	3. Southwest	245			
	4. Northeast	611			
	5. Starry Arteel and near.	574			
					26,000

Seal-skin record of St. George Island, Alaska, 1871 to 1889, inclusive, etc.—Continued.

1873.

June	4. Near	198	July	5. Starrie Arteel and near.	517
	5. Starrie Arteel.....	240		8. Southwest	743
	6. Southwest.....	285		8. Northeast	616
	9. Starrie Arteel and east.....	190		9. Starrie Arteel and near.	690
	10. Southwest.....	275		11. Northeast	974
	12. Northern	300		11. Southwest	602
	13. Southwest.....	521		12. Starrie Arteel	474
	16. Northern	378		13. Northeast	345
	17. Southwest.....	174		13. Southwest	337
	19. Northeast	313		16. Starrie Arteel and near.	480
	21. Starrie Arteel and near.	596		17. Northeast	1,097
	21. Southwest.....	870		18. Southwest	913
	23. Northeast	180		20. Starrie Arteel and near.	1,359
	24. Southwest	499		21. Northeast	1,810
	25. Starrie Arteel and near.	195		23. Starrie Arteel	889
	26. Northeast	241		23. Southwest	513
	27. Southwest	301		21. Northeast	1,710
	29. Starrie Arteel and near.	493		26. Southwest	600
	30. Southwest	310		26. Starrie Arteel and near.	588
	30. Northeast	168		28. Northeast and near	1,528
July	2. Starrie Arteel	332			
	3. Southwest	564			
	4. Northeast	592			
					25,000

1874.

Killed for food.....	128	July	3. Northern.	792
June 1. Northern.....	56		8. Northeast.....	641
8. Northern.....	81		9. Northern.....	548
11. East	116		14. Near and northeast.....	263
12. Starrie Arteel and north.....	154		15. Near and northeast.....	534
14. Southwest.....	250		16. Starrie Arteel.....	568
16. East	170		18. Southwest	411
18. Starrie Arteel and north.....	354		19. Northeast	871
22. Northeast	178		22. Northern.....	778
23. Starrie Arteel and near.	378		24. Northern.....	668
27. Southwest.....	575			
29. Starrie Arteel and near.	686			
July 1. Northeast.....	800			10,000

1875.

Killed for food.....	252	June	28. Northeast	692
June 1. Starrie Arteel and near.	50		30. Starrie Arteel and near.	1,412
9. Starrie Arteel and near.	256	July	5. Northeast	717
11. Northeast	177		7. Starrie Arteel and near.	1,019
14. Starrie Arteel and near.	307		12. Northeast	1,073
16. Northeast	358		14. Northern	676
18. Starrie Arteel and near.	334		17. Northern	177
19. Southwest.....	1,294			
23. Northeast	666			
24. Starrie Arteel and near.	540			10,000

1876.

Killed for food during fall and winter	307	June	24. Starrie Arteel and near.	2,067
June 1. Northern	108		27. Northeast	1,168
8. Starrie Arteel	108		28. Starrie Arteel and near.	1,023
12. Northeast	372	July	3. Northeast	1,259
12. Southwest.....	388		6. Starrie Arteel and near.	1,027
15. Starrie Arteel and near.	599		7. Northeast	317
22. Northeast	781			
	581			
				10,000

Seal-skin record of St. George Island, Alaska, 1871 to 1889, inclusive, etc.—Continued.

1877.

Killed for food in fall and winter.	256	June 23. Northeast	552
June 1. Northeast	198	26. Starrie Artee	1,860
11. Starrie Artee	702	29. Northeast	1,589
13. Northeast	578	July 3. Starrie Artee and near.	1,669
14. Southwest	1,389	6. Northeast	2,164
18. Starrie Artee and northern	1,154	9. Northern	300
20. Northeast	838	10. Northeast	880
22. Starrie Artee and near.	871		
			15,000

1878.

Killed for food in fall and winter.	405	July 2. Starrie Artee and near.	930
June 10. Northeast	385	4. Southwest	1,433
14. Southwest	1,074	8. Northeast	793
17. Starrie Artee and northern	858	9. Starrie Artee	1,333
19. Southwest	717	12. Southwest	328
22. Starrie Artee and near.	570	13. Southwest	1,025
25. Northeast	324	15. Northeast	1,892
27. Southwest	851	17. Northern	1,290
28. Southwest	517	19. Starrie Artee	1,577
July 1. Northeast	644	21. Northeast	1,114
			18,000

1879.

Killed for food in fall and winter.	811	June 25. Southwest	523
June 3. Near	69	27. Southwest	286
10. Northeast	445	27. Starrie Artee	1,176
11. Southwest	105	30. Northeast	1,584
12. Starrie Artee and near.	413	July 3. Starrie Artee	1,412
13. Southwest	372	8. Southwest	849
16. Northeast	445	4. Southwest	351
17. Southwest	498	5. Northeast	535
19. Starrie Artee and northern	755	7. Northern	1,738
20. Southwest	430	9. Starrie Artee	1,261
20. Northeast	473	14. Northeast	1,636
23. Starrie Artee and near.	515	15. Northern	863
23. Southwest	574	16. Southwest	800
25. Northeast	882		20,000

1880.

Killed for food in fall and winter.	1,169	June 25. Starrie Artee	1,320
June 3. North	81	28. Northeast	1,764
8. Northeast	333	28. Southwest	843
11. Starrie Artee	562	30. Starrie Artee	808
14. Northeast	351	July 1. Northeast	392
15. Southwest	734	2. Southwest	961
17. Starrie Artee	557	2. Northern	954
17. Zapadnie	254	5. Starrie Artee	515
19. Zapadnie	223	6. Northeast	1,481
19. Northeast	596	7. Southwest	1,810
21. Starrie Artee and near.	1,182	8. Northeast	948
21. Southwest	618		20,000
23. Northeast	811		
25. Southwest	833		

Seal-skin record of St. George Island, Alaska, 1871 to 1889, inclusive, etc.—Continued.

1881.

Killed for food in fall and winter.				
June 9. Northern	640	June 30. Starrie Arteel.....	707	
13. Northern	611	July 1. Northeast	1,371	
15. Southwest	916	4. Starrie Arteel and north-		
16. Starrie Arteel	494	ern	1,179	
20. Starrie Arteel	615	6. Southwest	476	
21. Northeast	445	7. Northeast	1,350	
22. Southwest	575	8. Starrie Arteel	362	
23. Southwest	447	11. Northeast	1,300	
23. Starrie Arteel	227	12. Starrie Arteel	498	
24. Northeast	288	12. Southwest	769	
27. Starrie Arteel	553	14. Southwest	590	
28. Northeast	814	13. Northeast	1,705	
28. Southwest	744	15. Northern	1,627	
30. Southwest	373			
	324			
			20,000	

1882.

Killed for food in fall and winter.				
June 6. Northern	534	July 3. Starrie Arteel and north-		
12. Starrie Arteel and north-	26	east	910	
east	508	4. Starrie Arteel and north-		
16. Starrie Arteel and north-	887	east	1,382	
east	926	7. Starrie Arteel and north-		
22. Starrie Arteel and north-	847	east	1,946	
east	1,192	10. Northeastern	1,368	
24. Starrie Arteel and north-	1,040	11. Starrie Arteel and near	1,104	
east	1,273	13. Northeastern	1,074	
26. Starrie Arteel and north-		14. Starrie Arteel	524	
east		15. Northeastern	643	
29. Starrie Arteel and north-		16. Starrie Arteel and near	1,015	
east		18. Northeastern	1,043	
July 1. Starrie Arteel and north-		19. Northern	510	
east	1,063	20. Northeastern	145	
			20,000	

1883.

Killed for food in fall and winter.				
June 12. Starrie Arteel and north-	403	July 10. Southwest	507	
eastern	139	10. Northeast	306	
15. Starrie Arteel and north-	283	11. Starrie Arteel	260	
eastern	61	12. Northeast	546	
19. Starrie Arteel and north-	379	13. Starrie Arteel	321	
eastern	684	16. Northeast	775	
22. Starrie Arteel and north-	442	16. Southwest	1,015	
eastern	608	17. Starrie Arteel	130	
25. Starrie Arteel and north-		18. Northeast	467	
eastern		18. Southwest	1,216	
28. Starrie Arteel and north-		20. Northeast	280	
eastern		20. Southwest	1,150	
30. Starrie Arteel and north-		23. Starrie Arteel	766	
eastern		25. Northeast	77	
July 2. Starrie Arteel and north-		27. Northern	606	
eastern		30. Starrie Arteel and north-		
4. Starrie Arteel and north-	340	east	501	
eastern	287	Aug. 6. Starrie Arteel and north-		
7. Starrie Arteel and north-	645	east	379	
eastern	1,333	13. Northeast	94	
			15,000	

Seal-skin record of St. George Island, Alaska, 1871 to 1889, inclusive, etc.—Continued.

1884.

Killed for food in fall and winter.	380	July	7. Southwest.....	87
June 3. Northeast	111		9. Starrie Artee and north- east	
10. Southwest	1,222		east	1,260
12. Starrie Artee	690		12. Southwest	971
16. Southwest	581		14. Northeast	298
18. Starrie Artee and north- east	552		15. Northern	465
21. Southwest	582		16. Southwest	726
23. Starrie Artee	598		17. Northeast	990
26. Southwest	556		18. Starrie Artee	506
28. Starrie Artee and north- east	486		23. Southwest	795
July 1. Southwest	298		23. Starrie Artee	744
3. Starrie Artee and north- east	71	Aug.	25. Northeast	595
			26. Southwest	572
			30. Starrie Artee	640
			4. Northeast	224
				15,000

1985.

Killed for food in fall and winter.	196	July	1. Starrie Arteel and north- east.....	2,287
June 1. Northeast.....	118		6. Southwest.....	789
10. Starrie Arteel and north- east.....	780		10. Starrie Arteel and north- east.....	2,156
15. Southwest.....	775		13. Southwest.....	2,011
17. Starrie Arteel.....	803		16. Starrie Arteel and north- east.....	2,218
18. Northeast.....	825		20. Southwest.....	483
22. Southwest.....	414			
27. Starrie Arteel and north- east.....	1,775			
29. Southwest.....	401			

1886.

Killed for food in fall and winter.	370	July	5. Southwest	620
June 9. Starrie Arteel and north- east.....	1,428		5. Starrie Arteel	499
14. Southwest	831		6. Northeast	648
16. Starrie Arteel and north- east.....	1,438		9. Starrie Arteel	865
21. Starrie Arteel and north- east.....	742		12. Southwest	745
21. Southwest	843		13. Northeast	888
23. Northeast	343		15. Starrie Arteel and north- east	707
24. Southwest	306		19. Southwest	663
28. Southwest	288		20. Starrie Arteel and north- east	1,371
29. Starrie Arteel	632		23. Northeast	294
July 1. Northeast.....	481			15,000

1887.

Killed for food in fall and winter.	282	July 6. Starrie Artee and north-	
June 8. Northeast.....	383	ern	1,321
13. Northeast	465	7. Northeast.....	421
15. Southwest	427	10. Southwest	701
20. Southwest	261	11. Starrie Artee and north-	
20. Starrie Artee	974	ern	1,296
24. Northeast	533	13. Northeast	1,509
27. Southwest	599	18. Southwest	1,077
27. Starrie Artee and north- east	846	18. Starrie Artee	894
29. Northeast.....	409	20. Northeast	1,130
July 1. Starrie Artee	100	22. Starrie Artee and north- ern	489
4. Southwest	883		
			15,000

Seal-skin record of St. George Island, Alaska, 1871 to 1889, inclusive, etc.—Continued.

1888.

Killed for food in fall and winter.	418	July	10. Starrie Arteel.....	1, 169
June 6. Northeast.....	121		11. Northeast.....	810
11. Southwest.....	272		13. Starrie Arteel and north-	508
11. Starrie Arteel and north-			ern.....	694
ern.....	455		17. Starrie Arteel and north-	1, 090
15. Starrie Arteel and north-			ern.....	366
ern.....	227		19. Southwest.....	550
18. Southwest.....	427		20. Starrie Arteel and north-	179
18. Starrie Arteel.....	324		ern.....	159
22. Starrie Arteel.....	764		23. Southwest.....	405
25. Southwest.....	908		24. Starrie Arteel and north-	520
26. Starrie Arteel and north-			ern.....	142
ern.....	894		27. Southwest.....	407
27. Northeast.....	438		27. Starrie Arteel.....	15, 000
29. Starrie Arteel.....	341			
July 2. Southwest.....	341			
3. Northeast.....	530			
4. Starrie Arteel.....	503			
6. Northeast.....	648			
9. Southwest.....	389			

1889.

Killed for food in fall and winter.	1, 203	July	15. Southwest.....	371
June 4. Northeast.....	156		16. Starrie Arteel and north-	1, 028
10. Southwest.....	275		ern.....	439
17. Southwest.....	244		18. Southwest.....	1, 140
18. Starrie Arteel.....	773		19. Starrie Arteel and north-	500
21. Northeast.....	176		ern.....	628
22. Starrie Arteel and north-			22. Starrie Arteel and north-	279
ern.....	284		ern.....	1, 450
20. Southwest.....	5·6		24. Southwest.....	942
25. Northeast.....	496		25. Starrie Arteel and north-	568
27. Southwest.....	223		ern.....	613
29. Starrie Arteel.....	429		27. Starrie Arteel and north-	15, 000
30. Southwest.....	167		ern.....	
July 2. Starrie Arteel and north-				
ern.....	275			
4. Starrie Arteel and north-				
ern.....	418			
7. Southwest.....	229			
9. Starrie Arteel.....	269			
11. Southwest.....	192			
13. Starrie Arteel and north-				
ern.....	667			

Recapitulation of seals killed for their skins on the St. George Island, Alaska, from 1871 to 1889, inclusive.

1871	19, 077	1876	10, 000	1881	20, 000	1886	15, 000
1872	25, 000	1877	15, 000	1882	20, 000	1887	15, 000
1873	25, 000	1878	18, 000	1883	15, 000	1888	15, 000
1874	10, 000	1879	20, 000	1884	15, 000	1889	15, 000
1875	10, 000	1880	20, 000	1885	15, 000		

I, Max Heilbronner, secretary of the Alaska Commercial Company, of San Francisco, do solemnly swear that the foregoing "seal-skin record of St. George Island, Alaska, 1871 to 1889, inclusive," is formulated and compiled from the books of said company kept on said island, now in my custody, and is correct and true according to my best knowledge and belief.

The following tabulated statement, prepared by me from those accounts [of the Alaska Commercial Company] *Max Heilbronner, p. 510.* show the fur-seal skins purchased and shipped to the company by its agents at Kadiak and Unalaska and from miscellaneous sources from 1871 to 1891, inclusive:

Date.	Unalaska.	Kadiak.	Miscellaneous.	Total.	Date.	Unalaska.	Kadiak.	Miscellaneous.	Total.
1871	516			516	1883	1,546	106		1,652
1872	700	78	725	1,503	1884	2,183	35		2,218
1873	444			1,905	1885	1,389	96		1,485
1874	1,223			1,223	1886	2,821	223		3,044
1875	358			856	1887	4,687			4,687
1876	562			562	1888	1,757	494		2,251
1877	2,500			2,500	1889	3,046	95		3,141
1878	2,001	12		2,013	1890	2,679	543		3,222
1879	1,207	124		1,381	1891	2,925	471		3,396
1880	930	11		941					
1881	880	59		939	Total				40,988
1882	1,030	129		1,159					

The district covered by the company's agency at Unalaska embraces the stations at Unga, Bolkoffski, Sannak, Akoutan, Moshrovia, Umnak, Atka, and one or two smaller posts. I am credibly informed by those cognizant of the business and believe that a large majority of the skins from this agency were captured in the North Pacific. The district embraced by the Kadiak Agency includes the stations at upper and lower Kenai, Prince William Sound, and several trading posts on Kadiak Island, and without doubt all the skins from this agency were caught in the North Pacific. A large majority of all the skins from both places were pups a few months old. The skins under the head of miscellaneous were bought from different vessels which brought them to San Francisco. I think they were all or nearly all caught in the North Pacific.

I append hereto a statement showing the number of seals killed annually upon Copper Island from 1871 to 1880, inclusive. This statement shows that 3,658 skins were taken in 1871. This number were shipped that year, but the number actually killed was in fact more than 6,000.

The following table shows the number of fur-seals taken for their skins on Copper Island, of the Commander group, from 1871 to 1880, inclusive, under the direction of C. F. E. Krebs, for Hutchinson, Kohl & Co.:

1871	3,658	1877	11,392
1872	14,964	1878	20,070
1873	14,661	1879	25,168
1874	15,480	1880	30,014
1875	20,440		
1876	15,074	Total	170,919

NOTE.—There were in fact about 6,000 killed in 1871, of which only the numbers as above stated were shipped. In 1876 and 1877 more could have been taken, but the seal-skin market was depressed and they were not wanted.

The following table, prepared by Hutchinson, Kohl, Philipeus & Co., of San Francisco, lessees of the right to take fur-seals upon the Commander and Robben Islands, *G. Niebaum, p. 204.* shows the number of seal-skins secured annually from these respective islands from 1871 to 1891:

Year.	Commander Is-lands.	Robben Islands.	Total.
1871.....	8,614	.....	8,614
1872.....	29,856	.....	29,856
1873.....	27,710	2,664	30,404
1874.....	28,886	2,414	31,300
1875.....	33,152	3,127	36,279
1876.....	25,432	1,528	26,960
1877.....	18,584	2,949	21,533
1878.....	28,198	3,142	31,340
1879.....	38,748	4,002	42,750
1880.....	45,174	8,330	48,504
1881.....	39,314	4,207	43,521
1882.....	40,514	4,106	44,620
1883.....	28,650	2,049	30,699
1884.....	49,444	3,819	53,263
1885.....	41,737	1,838	43,575
1886.....	54,591	.....	54,591
1887.....	46,347	.....	46,347
1888.....	47,362	.....	47,362
1889.....	52,859	52,859
1890.....	53,780	53,780
1891.....	5,800	5,800
		776,487	

DEPENDENCE ON ALASKAN HERD.

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From the year 1870 down to the present time deponent's firm have received and handled from the Alaska Commercial Company and from Messrs. Hutchinson, Kohl, *Emil Teichmann, p. 580.* Philippens & Co., from the North American Commercial Company, and the Russian Seal-Skin Company of St. Petersburg, which company have now succeeded to the lease of the Komandorski and Robben Islands formerly enjoyed by Hutchinson, Kohl, Philippeus & Co., all the skins of seals which have been killed upon the Pribilof Islands and upon the Copper Islands. They have also received at least three-fourths of the skins included in what is called the Northwest catch until the year 1891, when the major part of the skins of the catch were consigned to Messrs. Culverwell, Brooks & Co., of London. A large number of the skins of this catch, amounting in one year to 40,000 a year, have been consigned to deponent's firm by the firm Hermann Liebes & Co., of San Francisco.

The total number of skins of the Northwest catch received by deponent's firm during the years 1872 and 1892, inclusive, are set forth with accuracy in an affidavit made by my partner, Alfred Fraser, in New York, a copy of which, dated April 1, and acknowledged E. T. Rice, notary public, has been received by me from him and I annex hereto a copy of the lists of Northwest skins attached to Mr. Fraser's affidavit, making the same a part of this deposition, and mark the same Exhibit C. I also append hereto as a part of this deposition copies of the lists attached to the affidavits of Mr. Fraser of Alaska skins sold in London by my firm during the years 1870 to 1892, inclusive, and to the Copper Island skins sold by my firm in London during the years 1872 to 1892, inclusive, and mark the same respectively Exhibits D and E, and I refer to the affidavit of Mr. Fraser above mentioned for an explanation

of all said lists and adopt the same explanation given by him as my own. I have carefully verified the figures contained in these latter and find them to be as accurate as any such statement can be made.

Emil Teichmann, p. 582.

EXHIBIT A.

Salted Lobos Island fur-seals sold in London.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1873	6,956	1881	13,569	1889	8,755
1874	8,509	1882	13,200	1890	18,541
1875	8,179	1883	12,861	1891	16,834
1876	11,353	1884	16,258	1892 (to date)	4,800
1877	12,066	1885	10,953	Total	247,777
1878	12,301	1886	13,667		
1879	12,295	1887	11,068		
1880	14,836	1888	20,747		

EXHIBIT B.

Sales of Cape Horn salted fur-seal skins.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1876	6,306	1883	4,655	1890	2,450
1877	7,631	1884	6,743	1891	8,114
1878	8,227	1885	8,404	1892 (to date)	3,906
1879	12,180	1886	908	Total	113,376
1880	17,502	1887	2,762		
1881	18,164	1888	4,408		
1882	11,711	1889	8,021		

EXHIBIT C.

Salted Northwest Coast fur-seal skins sold in London prior to pelagic sealing in Bering Sea.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1872	1,020	1877	261	1882	11,727
1873	4,949	1878	12,212	1883	2,319
1874	1,646	1879	8,939	1884	9,242
1875	3,042	1880	9,997	Total	64,366
1876		1881			

Salted Northwest Coast fur-seal skins, dressed and dyed in London (but not sold there) taken prior to pelagic sealing in Bering Sea.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1873	690	1877	772	1882	11,159
1873	40	1878	2,434	1883	6,385
1874	122	1879	2,397	1884	10,115
1875	578	1880	4,562	Total	46,215
1876	1,062	1881	5,890		

Dry Northwest Coast fur-seal skins sold in London prior to pelagic sealing in Bering Sea.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1868	2,141	1875	1,351	1882	341
1869	1,671	1876	993	1883	890
1870	684	1877	1,173	1884	785
1871	12,495	1878	912	Total	42,767
1872	14,584	1879	918		
1873	891	1880	636		
1874	2,772	1881			

Of the skins sold in 1871 and 1872 a very large proportion were the accumulation of the Russian American Company and sold by them after the purchase of Alaska by the United States.

RECAPITULATION.

Salted skins sold in London, 1872-1884.....	64,366
Salted skins dressed and dyed in London, 1872-1884.....	46,215
Dry skins sold in London, 1868-1884	42,767
Grand total.....	153,348

EXHIBIT C.

Dry Northwest Coast fur-seal skins sold in London after the commencement of pelagic sealing in Bering Sea.

Year.	Skins.	Year.	Skins.
1885.....	1,520	1890.....	699
1886.....	979	1891.....	1,083
1887.....	2,843		
1888.....	1,252	Total	8,004
1889.....	228		

Salted Northwest Coast fur-seal skins dressed and dyed in London (but not sold there) taken after commencement of pelagic sealing in Bering Sea.

Year.	Skins.	Year.	Skins.
1885.....	16,667	1889.....	2,017
1886.....	15,087		
1887.....	8,589	Total	39,290
1888.....	1,930		

In addition to the above it is estimated that from 25,000 to 30,000 skins have been dressed and dyed in the United States.

Salted Northwest Coast fur-seal skins sold in London after commencement of pelagic sealing in Bering Sea.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1885.....	2,078	1889.....	89,563	1892 (to date).....	*28,298
1886.....	17,900	1890.....	88,815		
1887.....	36,907	1891.....	54,180		
1888.....	36,818				254,068

* Of catch of 1891.

RECAPITULATION.

Dry skins sold in London, 1885-1891.....	8,604
Salted skins dressed and dyed in London, but not sold there, 1885-1888.....	39,290
Salted skins dressed and dyed in the United States, estimated, 1885-1889, say	30,000
Salted skins sold in London, 1885-1892	254,068
Grand total.....	331,962

EXHIBIT D.

Salted Alaska fur-seal sold in London.

Catch.	Skins.	Catch.	Skins.	Catch.	Skins.
1870	9,965	1879	100,036	1888	100,000
1871	100,896	1880	100,161	1889	100,000
1872	96,283	1881	99,921	1890	20,994
1873	101,248	1882	100,100	1890	4,158
1874	90,150	1883	75,914	1891	13,473
1875	99,634	1884	99,887		
1876	90,267	1885	99,719	Total.....	1,877,977
1877	75,410	1886	99,910		
1878	99,911	1887	99,940		

EXHIBIT E.

Salted Copper Island fur-seal sold in London.

Year.	Skins.	Year.	Skins.	Year.	Skins.
1872	7,182	1880	38,885	1888	46,833
1873	21,614	1881	45,209	1889	47,416
1874	30,349	1882	39,111	1890	36,496
1875	54,479	1883	56,500	1891	17,025
1876	33,298	1884	26,675	1892	30,678
1877	25,380	1885	48,929		
1878	19,000	1886	41,752	Total	768,096
1879	28,211	1887	54,584		

Table of percentages of annual seal-skin supply compiled from table of London trade sales as given by Emil Teichmann.

	1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.
Lobos Island					0.0532+	0.0560+	0.0782+	0.1054+	0.0631+	0.0730+
Cape Horn							0.0440+	0.0618+	0.0575+	0.0723+
Northwest Coast	0.0620+	0.110+	0.186+	0.1362+	0.0072+	0.046+	0.0282+	0.0158+	0.0251+	0.027+
Alaska catch	0.9380+	0.890+	0.813+	0.8047+	0.7743+	0.6830+	0.6204+	0.6113+	0.668+	0.5644+
Copper Island				0.051+	0.059+	0.1653+	0.2364+	0.2292+	0.2050+	0.1263+
Total	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	1888.	1889.
Lobos Island	0.084+	0.0720+	0.0703+	0.0923+	0.0950+	0.5540+	0.0718+	0.0521+	0.0681+	0.0425+
Cape Horn	0.0946+	0.0697+	0.0624+	0.0334	0.0332	0.0196+	0.0047+	0.0133	0.0207+	0.0156+
Northwest Coast	0.0730+	0.0825+	0.1233+	0.0685+	0.1187+	0.113+	0.1798+	0.2047+	0.1894+	0.2075+
Alaska catch	0.5417+	0.5307+	0.5343+	0.5442+	0.5821+	0.5447+	0.5307+	0.4731+	0.4728+	0.4975+
Copper Island	0.2103+	0.2451+	0.2097+	0.2616	0.1631+	0.2684+	0.2143+	0.2578	0.2190	0.2350+
Total	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000

Table of annual seal-skin supply compiled from table of London trade sales as given by Emil Teichmann.

	1870.	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.
Lobos Island				0,956	8,507	8,179	11,353	18,066	12,301	12,295
Cape Horn				16,303	931	7,843	3,575	6,306	7,631	12,190
Northwest Coast	684	12,495	11,711	4,655	6,743	3,404	4,097	1,945	8,807	15,587
Alaska catch	9,965	100,896	96,283	101,248	90,150	99,634	90,267	75,410	99,911	100,098
Copper catch				7,182	21,614	30,349	34,479	26,380	19,060	26,211
Total	10,649	118,391	119,768	130,749	136,851	145,867	145,321	128,432	148,046	166,249
	1880.	1881.	1882.	1883.	1884.	1885.	1886.	1887.	1888.	1889.
Lobos Island	14,386	13,569	13,200	12,861	16,258	10,963	13,667	11,068	20,747	8,755
Cape Horn	17,562	13,164	11,711	4,655	6,743	3,404	909	2,762	4,403	3,021
Northwest Coast	13,501	16,573	23,207	9,544	20,142	20,265	33,975	48,330	41,808	
Alaska catch	100,161	9,904	100,100	75,914	99,887	99,719	99,910	99,940	100,000	100,000
Copper catch	38,885	45,200	39,111	36,500	26,675	48,929	41,752	54,584	46,333	47,416
Total	184,945	188,436	187,329	139,474	189,705	183,270	190,213	211,688	211,483	201,000

LOSS IF HERD DESTROYED.

LOSS TO UNITED STATES.

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I have signed the firm name to the statement hereto annexed, which has been prepared from a careful examination of the firm books, and I know it to be true in all respects. The seal-skins therein referred to were all purchased at Victoria, British Columbia, and are of the class commonly known as northwest coast skins, *i. e.*, skins from animals which were caught in the Pacific Ocean or in the waters of Bering Sea. The statement represents all of the skins of this kind which were purchased by my firm between the years 1880 and 1890, inclusive, together with the full prices paid for them. I believe these prices to represent the average value of northwest coast skins at Victoria during these years, except that the price paid for the small lot purchased in 1890 is, as I am informed, below the average for that year. I find, however, upon referring to my books, that this lot was composed of small skins, some of them in poor condition.

C. Francis Bates, p. 509.

During the year 1891 we purchased no northwest coast skins, and I am therefore unable to state, of my own knowledge, their value in that year, but I understand that in the fall of 1890 and in 1891 it was very much higher than in any previous year, owing entirely to the diminished catch of seal-skins upon the Pribilof Islands by the lessees of the Government during those years. * * *

Statement by Martin Bates, jr., & Co., of New York.

Year.	Number of seal-skins purchased in Victoria.	Average price per skin.	Total price.
1880.....	4,355	\$11.10	\$48,342.50
1881.....	5,303	9.35	49,578.28
1882.....	8,780	5.80	50,907.87
1883.....	6,893	5.90	40,700.10
1884.....	11,527	5.38	62,052.26
1885.....	13,436	5.27	70,867.90
1886.....	16,797	4.89	82,211.64
1887.....	2,996	4.72	14,141.75
1888.....	3,805	4.35	16,535.60
1889.....	506	5.74	2,906.90
1890.....	369	5.70	1,735.00
Total.....	74,767	.....	439,979.80

For many years we have been large purchasers of Alaska (or Pribilof Island) fur-seal skins, having bought in London and brought to this country between the years 1879 and 1891 71,904 such skins. I am familiar with the value and extent of the industry of manufacturing articles of fur-seal skins in this country, my house having until very recently been largely interested in it. This industry is one of great value to the United States. The fur-seal skin is in many respects one of the most valuable furs that has ever been placed on the market. I have read the statement* hereto annexed and signed the name of my firm

* See affidavits of Joseph Ullmann *et al.*, and Samuel Ullmann.

thereto. I believe it to be in all respects correct. I have read the last paragraph in the affidavit of Samuel Ullmann hereto annexed and agree with what is said therein.

The tables hereto annexed marked A, B, C, D, E, and F, have been prepared by me from the printed catalogues of *Alfred Fraser*, p. 561. public auction sales in London of fur-seal skins and also from my private memoranda, and from my knowledge and information of the fur-seal industry, I believe them to be correct in every particular. Said tables state all of the salted fur-seals of the Alaska, Copper, northwest coast, and Lobos catches, which, according to the said catalogues and memoranda, were sold at public auction in London between the years 1868 and 1891, together with the average price per skin obtained during each of said years for the aforesaid skins.

EXHIBIT A.

Salted Alaska fur-seal sold in London from 1871 to 1891.

Year.	Skins.	Average price per skin.	Year.	Skins.	Average price per skin.	Year.	Skins.	Average price per skin.
1870.....	9,965	s. d. 21 8	1879.....	100,036	s. d. 84 9	1888.....	100,000	s. d. 78 0
1871.....	100,896	42 2	1880.....	100,161	91 5	1889.....	100,000	67 0
1872.....	96,283	44 10	1881.....	99,921	79 9	1890.....	20,994	146 0
1873.....	101,248	52 0	1882.....	100,100	58 7	1890.....	4,158	98 5
1874.....	90,150	52 6	1883.....	75,914	52 9	1891.....	13,473	126 0
1875.....	99,634	50 9	1884.....	99,887	51 9	Total....	1,877,977	
1876.....	90,207	34 4	1885.....	99,719	57 2			
1877.....	75,410	89 11	1886.....	99,910	69 3			
1878.....	99,911	69 2	1887.....	99,940	56 0			

EXHIBIT B.

Salted Copper Island fur-seal sold in London in the years 1870 to 1892.

Year.	Skins.	Average price per skin.	Year.	Skins.	Average price per skin.	Year.	Skins.	Average price per skin.
1870.....	12,030	s. d. 18 8	1879.....	28,211	s. d. 57 6	1888.....	46,833	s. d. 88 3
1871.....	9,522	21 4	1880.....	38,885	80 0	1889.....	47,416	50 6
1872.....	7,182	83 9	1881.....	45,209	60 0	1890.....	95,496	72 1
1873.....	21,614	36 0	1882.....	39,111	45 6	1891.....	17,025	64 8
1874.....	30,349	40 0	1883.....	36,500	38 3	1892.....	30,678	68 6
1875.....	34,479	41 0	1884.....	26,675	59 0	Total....	789,648	
1876.....	33,298	24 10	1885.....	48,929	37 0			
1877.....	25,380	26 6	1886.....	41,752	40 0			
1878.....	19,000	88 6	1887.....	54,584	40 0			

EXHIBIT C.

Salted Northwest coast fur-seal skins sold in London prior to pelagic sealing in Bering Sea.

Year.	Skins.	Average price per skin.	Year.	Skins.	Average price per skin.	Year.	Skins.	Average price per skin.
1872.....	1,029	s. d. 9 9	1877.....			1882.....		s. d. 20 3
1873.....			1878.....	264	42 6	1883.....	11,717	
1874.....	4,949	34 7	1879.....	12,212	53 5	1884.....	2,319	25 10
1875.....	1,646	38 8	1880.....	8,939	57 0	1884.....	9,242	27 3
1876.....	2,042	21 4	1881.....	9,997	81 7	Total....	64,366	

EXHIBIT D.

Salted Northwest coast fur-seal skins sold in London after commencement of pelagic sealing in Bering Sea.

Year.	Skins.	Average price per skin.	Year.	Skins.	Average price per skin.	Year.	Skins.	Average price per skin.
1885.....	2,078	s. d.	1889.....	39,563	s. d.	1892*.....	28,298	s. d.
1886.....	17,909	28 8	1890.....	38,315	60 10	Total ...	254,068	41 7
1887.....	86,907	30 11	1891.....	54,180	62 0			
1888.....	36,818	30 10						

* To March 25.

EXHIBIT E.

Salted Lobos Island fur-seal skins sold in London.

Year.	Skins.	Average price per skin.	Year.	Skins.	Average price per skin.	Year.	Skins.	Average price per skin.
1873.....	6,956	s. d. (*)	1881.....	13,569	s. d. 31 1	1889.....	8,755	s. d. 25 0
1874.....	8,509	(*)	1882.....	18,200	16 5	1890.....	18,541	31 9
1875.....	8,179	(*)	1883.....	12,861	19 0	1891.....	15,834	33 11
1876.....	11,353	(*)	1884.....	16,258	14 1	1892†.....	4,800	25 4
1877.....	13,066	14 5	1885.....	10,953	16 0	Total ...	247,777	.....
1878.....	12,301	35 6	1886.....	13,687	18 6			
1879.....	12,235	42 0	1887.....	11,068	17 3			
1880.....	14,865	41 1	1888.....	20,747	20 0			

* Unknown.

† To date.

EXHIBIT F.

Salted Alaska fur-seal skins sold in London in the years 1868 to 1871 taken prior to the leasing of the Pribilof Islands.

Year.	Skins.	Average price per skin.	Year.	Skins.	Average price per skin.
1868.....	28,220	s. d. 24 8	1871.....	20,111	s. d. 20 7
1869.....	121,820	25 0	Total.....	230,662	.....
1870.....	110,511	20 8			

It was one of the first firms to introduce seal-skin garments into the United States, and since 1857 it has constantly been engaged in placing them upon the market. It has been in the habit of buying annually in 531. London from 2,000 to 6,000 Alaska fur-seal skins, and it has handled very many more. I have signed the name of the firm to the annexed statement,* which I have carefully read, and believe to be in all respects correct.

Between the years 1880 and 1890 we handled per annum on an average 12,000 fur-seal skins of the three catches. Between 1885 and 1890 we handled from 35,000 to 40,000 Alaska skins which had been dressed and dyed in London. Of this number we purchased ourselves in London

*See affidavit of Jos. Ullmann et al.

and brought to this country about nine-tenths. I have signed the name of Harris & Russak to the statement* hereto annexed, which I have carefully read. I believe it to be in all respects correct. I have read the last paragraph or section in the annexed affidavit of Samuel Ullmann, and I agree with everything contained therein.

I do a large business in fur-seal skins, and between 1885 and 1890 annually bought and imported into this country

Hugo Jaeckel, p. 531. from London from 6,000 to 8,000 dressed and dyed Alaska fur-seal skins, and a proportionate number of fur-seal skins of the other principal catches. I have signed the name of Asch & Jaeckel to the annexed statement,* which I have carefully read. I believe it to be in all respects correct. I have also read the last paragraph in the annexed affidavit of Samuel Ullmann, and agree with everything therein contained. The same is true of an affidavit verified on the 21st day of June by William Wiepert, my present superintendent.

The quantity of northwest or "Victoria" seals that were dressed and dyed in the United States for home consumption,

Isaac Liebes, p. 454. and never reached the London market, I estimate as follows: 1889, 6,000; 1890, 4,500; 1891, 2,100.

These estimates are made up from memoranda I have been accustomed to keep from time to time of the number of skins offered for sale, and which did not go forward to London as shown by the trade sale catalogues.

My duties as such superintendent demanded that I should be thoroughly conversant with all the details of ship-

H. H. McIntyre, p. 518. ping and transporting seal-skins taken, and the necessary expenses incurred by my employers.

From my knowledge of such expenditures I herewith submit the following statement in relation to the cost of putting the annual quota of skins obtained on the Pribilof Islands upon the market when a hundred thousand seals are killed, and I believe such statement to be practically correct:

Maintenance of island establishments	\$12,000
Salaries of employés (exclusive of natives)	12,000
Transportation to San Francisco	15,000
Transportation, San Francisco to New York	20,000
Transportation, New York to London	6,000
Insurance, \$1,400,000 at 1 per cent	14,000
Commission for selling, 2½ per cent of \$1,500,000	37,500
Storage, cooperage, twine, salt, etc	15,500
Interest on the plant, 10 per cent of \$100,000	10,000
Annual rental paid to Government, per terms of lease	60,000
Obligations of the lease for fish, fuel, medicines, etc	25,000
Supervision of business from San Francisco	20,000
First cost of skins to natives	40,000

Cost of 100,000 skins delivered in London, sold..... 287,000

In 1859 he imported 44 seal-skins from London; his annual importations gradually increased until in the year 1877 he

Emil J. Stake, p. 530. imported 16,804 dressed and dyed seal-skins of all catches. His books show the following purchases in London of dressed and dyed Alaska fur-seal skins, all of which

*See affidavit of Joe. Ullmann et al.

were brought to this country: 1887, 9,000; 1888, 5,800; 1889, 6,800. These figures fairly represent his average purchases and importations between 1880 and 1889.

The number of Alaska fur-seal skins which are imported annually into the United States, after dressing and dyeing in London, is, upon the basis of the importations during the past ten years and upon a catch of 100,000 skins at the Pribilof Islands, correctly estimated at 65,000 to 75,000. *Joseph Ullmann et al., p. 526.*

The value, before paying duty thereon to the United States, of each dressed and dyed fur-seal skin so imported, may be said to range between \$15 and \$50, with an average value during the past ten years of about \$25 a skin.

The wages paid annually to people engaged in the manufacture and remodeling of seal-skin articles are, on an average, about \$7 a skin, or upon 70,000 skins, \$490,000.

The profits made annually by merchants, wholesale furriers, and retail furriers amount to about \$30 a skin, or upon 70,000 skins, \$2,100,000.

The amount of silk consumed annually in the manufacture in the United States of 70,000 fur-seal skins into articles and in the repairing of these articles, may be estimated at \$150,000 to \$200,000. All silk which is being so consumed at the present time is made in the United States.

The books of the New York house show the following purchases of dressed and dyed Alaska fur-seal skins in London between the years 1885 and 1891. All of these purchases were brought to this country: 1885, *Samuel Ullmann, p. 527.* 11,818 out of a total Alaska catch of about 100,000; 1886, 12,646 out of a total Alaska catch of about 100,000; 1887, 25,344 out of a total Alaska catch of about 100,000; 1888, 17,900 out of a total Alaska catch of about 100,000; 1889, 14,160 out of a total Alaska catch of about 100,000; 1890, 3,569 out of a total Alaska catch of about 21,000; 1891, 3,240 out of a total Alaska catch of about 13,000.

I have signed the name of Joseph Ullmann to the annexed statement,* which I have carefully considered, and to the best of my information and belief this statement is correct, except that I know nothing about the silk consumed. I regard the figures given therein as conservative.

My father dressed and dyed a few seal-skins in 1832, and each year thereafter, and in 1864 this became a lucrative item of our business. Since 1870 the house has bought annually from 5,000 to 6,000 salted fur-seal skins in London, all of which it has dressed and dyed in Albany. *Geo. H. Treadwell, p. 523.*

I understand that my concern and that of J. D. Williams, of Brooklyn, have heretofore been the only regular and recognized dressers and dyers in the United States. Until last year our house dressed and dyed skins only for its own use.

In addition to dressing and dyeing, our house annually manufactures

* See affidavit of Joe. Ullmann et al.

a large number of fur-seal-skin articles. I am deeply interested in the protection of the fur-seals.

That for the twenty years last past deponent's said firm have bought on their own account, dressed and dyed, annually *Henry Treadwell, p. 524.* from 5,000 to 8,000 seal-skins. That nearly all of the skins purchased by deponent's said firm are bought of C. M. Lampson & Co., of London, who are the largest dealers in seal-skins in the world. That the majority of the skins bought by said firm are a part of the skins known as the "Alaska" catch—that is, as deponent is informed and believes, the skins of seals killed on the Pribilof Islands by the companies having leases from the United States for that purpose. A certain number of skins bought by deponent's firm are those killed upon the Russian, called the Commander, islands, known as the copper catch, and about 30 per cent of the whole number of seal skins bought by deponent's firm are what are called the northwest coast skins—the skins of animals killed and caught in the open sea.

I have signed my name to the annexed statement,* which I have carefully read, and believe to be correct in every *Henry Treadwell, p. 529.* respect. I have also read the last paragraph or section of the annexed affidavit of Samuel Ullmann, and I agree with everything therein stated.

The amount of revenue derived by the United States from the Alaska catch can be estimated from the following figures, *C. A. Williams, p. 539.* carefully compiled by deponent, from 1872 to 1887, inclusive:

The total number of skins dressed and dyed in London and shipped to the United States during those sixteen years, was 825,000. The value of the same was £3,253,941, which at exchange of \$4.80 would produce \$15,618,916; the duty upon which at 20 per cent ad valorem would be \$3,123,783. The average duty per annum is \$195,236. The average rental received by the Government and tax during these years from the Alaska Commercial Company was \$317,500, making a total average to the United States from the Alaska seal skins of \$512,736; and the total during the sixteen years above noted of \$8,203,776, all of which, as deponent believes, will be lost to the United States in the future if the destruction is not prohibited.

And as more than half of the Alaska skins sold in London are returned as dressed skins to America, the United *C. A. Williams, p. 546.* States Government adds to its revenue from the seal islands by the collection of 20 per cent duty on the valuation of this return. It is estimated that 75,000 dressed and dyed skins were shipped from London to New York in 1887.

Most of the furs dressed and dyed in my establishment are fur-seal skins, and during each of the past five or six *Jos. D. Williams, p. 549.* years I have dressed and dyed from 8,000 to 10,000 seal-skins.

* See affidavit of Jos. Ullmann et al.

LOSS TO GREAT BRITAIN.

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That the business of dealing in fur-seal skins in the city of London has become an established and important industry. Deponent is informed that practically all the seal skins in the world are sold in London, and the number runs up in the year to between 100,000 and 200,000, averaging considerably over 150,000 a year. These skins are sold for the most part either by the firm of C. M. Lampson & Co., through their brokers, Goad, Rigg & Co., or by the firm of Culverwell, Brooks & Co. At the auction sales, which are advertised twice or three times in the year by these firms, skins are bought by dealers from all over the world, who are present either in person or by proxy. The next stage in the industry is the dressing and dyeing of the furs, and practically the whole of these fur-seal skins sold in London are dressed and dyed in that city. The principal firms being engaged in that business are C. W. Martin & Sons and George Rice. Deponent's own firm dress a small number of skins and have dressed in one year as many as 23,000, and formerly dyed large numbers of skins, but do not now dye skins, as the secrets of the present fashionable color are now in the hands of other firms. After having been dressed and dyed, the skins of the fur-seal are then passed into the hands of fur merchants, by whom in turn they are passed to furriers and drapers and retail dealers generally. Deponent estimates the total number of persons engaged in one way or another, directly or indirectly, in the fur-seal industry in the city of London at at least two or three thousand, many of whom are skilled laborers, all receiving high wages.

That a large amount of capital is also invested in the business in the city of London, and the precise value of the industry can be estimated by reckoning the amount expended in the various processes which deponent has enumerated upon each skin. For instance, after the skins arrive at the London market they are sold at the sales at prices which in the year 1890 averaged say 80 shillings apiece. The commissions on the selling of the goods including warehousing, insurance, and so forth, deponent believes amounted to 6 per cent of the price obtained. That the amount paid for dressing, dyeing, and machining each skin averages say 16 shillings. These processes take together about four or five months. The next expenditure upon the skin is, say, an average of five shillings at least for each skin for cutting up, and that thereafter there will be an average of at least from 3 shillings to 4 shillings per skin expended in quilting, lining, and making up the jackets or other garments, showing a total expenditure upon each skin for labor alone, in the city of London, of 25 shillings in addition to the percentage paid for brokerage, before the process of manufacture began, and the most of this money is actually paid out in wages.

Deponent says, that in the above estimates he has given the bottom figures and that the amount actually expended upon the skins in the city of London undoubtedly averages a larger sum. This would make on an average of 200,000 skins a year, which is not excessive, a total expenditure annually in the city of London of £250,000, minus the amounts paid for cutting and making up in respect to the skins sent to the United States.

Deponent says that the number of persons who are employed in the handling, dressing, dyeing, cutting, and manufacturing of seal-skins in the city of London is about 2,000, many of whom are skilled laborers, earning as high as £3 or £4 a week. Deponent estimates the amount paid in the city of London for wages in the preparation of fur-seal skins for a manufacturer's uses, and excluding the wages of manufacturers' employés, prior to the beginning of the pelagic sealing in 1885, at about £100,000 per annum.

A large capital, the amount of which, however, it would be difficult to estimate, is invested in the business of selling raw fur-seal skins. Two firms own large warehouses, and one of them expensive cold-storage vaults, portions of which are used exclusively for the purpose of storing fur-seal skins.

About seven firms are engaged in the dressing and dyeing of seal-skins, of which a very much larger amount is done in London than in any other city in the world. In this branch of the fur-seal industry there are invested about £80,000 in permanent plant, which would become entirely useless if the seal-skin industry were to come to an end.

About 12,000 dressed and dyed Alaska fur-seal skins, which may be valued at £5 a skin, are annually manufactured into garments in London, and a very much larger proportion of Copper and Northwest coast skins are so consumed.

The seal-skin industry furnishes occupation to workingmen in London as follows: To about 600 dressers and dyers; to about 1,400 cutters, nailers, sewers, and other laborers engaged in manufacturing seal-skin articles. Many of those employed as above are skilled laborers, who, in any other employment, would be but ordinary laborers. Some of them have been engaged in this industry from childhood. In the foregoing no account is taken of the numerous clerks, salesmen, and porters, of whom large numbers owe their means of support to the trade in fur-seal skins.

I believe that in round numbers the capital invested in this industry in London amounts to £1,000,000, and that when a full Alaska catch came to market the weekly amount expended in wages in connection with all the catches was about £2,500 or £3,000 a week.

That the business at the present time has attained the rank of an important industry, in which there is embarked in the city of London a large amount of capital and upon which there is dependent a large number of workmen and employés. The amount of capital from time to time invested in the business is correctly stated, deponent believes, by Mr. Teichmann, at as much as £1,000,000, and until within a year or two the numbers of persons depending upon the industry for their support has likewise been correctly stated by Mr. Teichmann, approximately at 2,000 persons, receiving on an average a weekly wage of 30 shillings, and most of them having families dependent upon their labors for their support.

During the last two years the diminution and irregularity of the supply of fur and seal skins has caused some decrease in the amount of persons engaged in the industry, but deponent is not able to state exactly to what extent such decrease has taken place.

A considerable number of the persons employed in this business, as deponent is informed, are not skilled in any other kind of business, and should the fur-seal industry cease, deponent believes that these persons would be obliged to master some other trade or means of livelihood.

That deponent has made no examination of the books of his firm for the purpose of seeing precisely the number of skins annually dressed and dyed by his said firm *Walter E. Martin, p. 567.* and its predecessor, but it is the fact that his said firm in one year dressed 150,000 fur-seal skins, and of that number dyed 130,000, and it is also the fact that until within the last two years his firm dressed upwards of 110,000 or 120,000 skins in each year, and dyed upwards of 100,000 skins so dressed.

The firm of C. W. Martin & Sons has employed until the last two years 500 persons, and employ at the present moment about 460 persons, most of whom are *Walter E. Martin, p. 568.* skilled laborers, receiving on an average at least 30 shillings a week, and most of whom have families dependent upon them for their support. Deponent estimates that the total number of persons employed directly or indirectly in the business of dressing, dyeing, handling, and cutting fur-seal skins up to within the last two years in the city of London was about 2,000.

The principal dressers and dyers of the city of London at the present time are C. W. Martin & Co. and George Rice, and skins are also dressed and dyed by other persons. The fur-seal business has attained very considerable dimensions in the city of London, large amounts of capital being invested therein, and probably in and about the city of London there are employed in the fur-seal skin business as many as 3,000 persons, most of whom are skilled hands, some of whom receive as high as £3 or £4 a week, and many if not most of whom have families dependent upon them for support. *Henry Poland, p. 571.*

That the business of handling and dealing in fur-seal skins has become, in the city of London, an established and important industry. That deponent himself, for instance, employ at the present time from 400 to 500 laborers, who are mostly engaged in one way or another upon fur-seal skins, many of whom are skilled workmen receiving good wages, and many of them having families dependent upon them for their support. Deponent estimates the total number of people engaged in the business of handling, dyeing, dressing, and treating fur-seal skins up to the time the skins pass into the hands of the furriers at about 2,000. In addition to the numbers so employed, a much larger number of furriers, employés, and the employés of the retail merchants are concerned directly or indirectly in handling or manufacturing the fur-seal skin or fur-seal skin garments. *Geo. Rice, p. 574.*

Deponent further says that a large amount of capital is in one way or another invested in the city of London in the business above enumerated.

That the fur-seal skin business had become an important industry in the city of London, in which a large amount of capital was invested and a large number of workmen employed, amounting, including the dressers, dyers, handlers, and persons employed in the manufactories of the *W. C. B. Stamp, p. 578.*

furriers, to about 3,000. It is difficult to make any correct estimate of the number of people so employed, but deponent says that he has recently had occasion to look into the question in his capacity as master of the Skinners' Company and he believes the above figure to be substantially correct.

That a large number of persons so employed are skilled laborers and most of them have families dependent upon their labors for their support. The wages paid in some cases are as high as £3 or £4 a week, and perhaps the average wages of the whole number may be safely estimated at £1 per week. That many of these persons know no other business than that in which they are at present engaged.

A very large amount of capital is invested in the Kingdom of Great Britain in the business. It is, in deponent's judgment, fair to estimate the amount of capital invested in the business in one way or another to have been at times as much as £1,000,000, and that there have been until lately dependent upon this industry, in the city of London, about 2,000 skilled workmen, most of whom have families dependent upon them for support, and the amount of wages paid to those people deponent estimates on the average at about 30 shillings per week, making an aggregate of £150,000 per annum.

Deponent further says that the number of persons who are engaged in the handling, dressing, and dyeing of seal-skins in Great Britain is about 2,000, many of whom are expert workmen and receive high wages; and the number in the United States is about 300. The number of persons engaged upon the poaching vessels is about 10 to each vessel, and a considerable number of the persons engaged upon the Canadian sealers are American citizens.

LOSS TO FRANCE.

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That there has gradually sprung up a large demand for this article in France, which demand was at its height two years ago, during which year the said firm bought and sold 10,000 skins at the average price of the last ten years. That in consequence of the falling off in the supply of Alaska skins (Pribilof Islands and Bering Sea) two years ago, the price had increased from 50 to 75 per cent, and in consequence, the year after, the demand was affected so that instead of selling more than 10,000 skins the firm scarcely sold 5,000, and a still smaller number this year.

That the said firm [Emin Hertz & Co.] generally buys its seal-skins at the London auctions in their undressed state, and has them dressed in London and dyed partly in London and partly in Paris.

That the said firm of Révillon Frères have bought during the last twenty years upwards of 400,000 seal-skins; that nearly all of these skins have been dressed in London, where there are special facilities therefor; that the firm of Révillon Frères have tried several times to dress the skins themselves, but in very small quantities.

That all the skins bought by the said firm of Révillon Frères are dyed in France, and therefore the skins pass under our eyes in the following conditions: (1) in salt when we buy them in London; (2) dressed; (3) dyed. That deponent believes that the firm of Révillon Frères is by far the largest firm of furriers and fur dealers in France; that the greater part of the skins bought by Révillon Frères are made up into garments, cloaks and mantles, but that some of the skins, after having been dyed, are sold to other manufacturers.

That the sales of seal-skins by the said firm of Révillon Frères have amounted for the last twenty years to about 4,000,000 francs per year.

That the number of persons employed by the said firm for the dyeing, scraping, manufacturing, lining, and for the sale of the seal-skins, is about 300, of which the greater part are well paid, on account of their work being upon a very valuable species of merchandise, and that there are about 500 or 600 persons employed in the industry in France, exclusive of salesmen, porters, etc.

That in the years from 1872 to 1877 we bought only Alaska seal-skins (that is to say, those from the islands of Pribilof) and the Copper catch, coming from Russia, and a few skins coming from the islands of Lobos and from the South Seas.

NEED OF REGULAR SUPPLY OF SKINS.

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Deponent further says that the preservation of the seal herds and the continued supply of fur-seal skins, which, furthermore, it is important should be constant and regular in supply, is absolutely necessary to the maintenance of this industry. Deponent says that the reason for this opinion is shown in the history of last season's business. For instance, at the October sale, the prices of skins were very high, as a short supply was expected. The skins purchased at that sale were then put into the hands of the dressers and dyers, where they would be retained, as above stated, in process of treatment four or five months. During this interval it appeared that instead of there being a short supply the poaching vessels had caught a large number of skins, 50,000 or 60,000, which being unexpectedly plumped on the market, brought the price down so that there was a loss of perhaps 25 shillings per skin on the skins bought at the October sales; and deponent further says that it is of course obvious that the business can not be maintained unless the herds are preserved from the destruction which has overtaken the South Sea herds, which formerly existed in such large numbers, and so important has the seal-skin business become that if the herds were exterminated deponent says it would hardly be worth while to remain in the fur business.

That the increased price of seal-skins two years ago, caused by the falling off in quantity, has not been maintained, although this year there is perhaps even a fewer number of seal-skins, which indicates, in the opinion of deponent, that the article when offered at a high price is within the means of only a very few persons, and the demand for it will continue to decrease.

That the trade has every interest to bring about a regular production; that is to say, the production to be approximately always the same, as this would obviate the frequent change in price and render business less speculative.

The business of dealing in fur-seal skins has of late entered into a speculative stage, which is doing it much injury. *Arthur Hirschel, p. 583.* The trade can no longer know with certainty when and in what quantities seal-skins will be placed upon the market. To remedy this I am of the opinion that hereafter skins should be taken only from animals of the male sex and upon land, under Government regulations such as have heretofore existed.

That one of the most important, and deponent feels justified in saying, vital elements in the maintenance and preservation of the business or industry is that the supply of fur-seal skins should be regular and constant, so that intending buyers may be able to know beforehand approximately what the prices of their stock in trade are going to be, and that the people engaged in the business may have beforehand a reasonably definite notion of what they shall be able to count upon.

Deponent knows, of his own knowledge and from conversations with the merchants and dealers above mentioned, that *Walter E. Martin, p. 588.* it is a matter of vital importance to the continuance of the fur-seal industry and the industries resulting therefrom and dependent thereon that the supply of fur-seal skins should be constant; that is, that the number of skins coming upon the market in each year should be known the year beforehand with approximate certainty, and that it should not vary greatly from year to year. That this is necessary in order that prices may be fixed and that those persons or firms who physically deal with the skins, such as deponent's firm, should know what provision they must make for the business of the ensuing season. That down to within a few years last past, three or five years, the supply has been regular, but that during the last three or five years, and notably during the last two years, the supply has fluctuated very largely and continually diminished, and in consequence thereof business has greatly suffered.

Deponent further says that the continuance of this business depends very largely upon the maintenance of a steady *Emil Trichmann, p. 582.* and regular supply of fur-seal skins in order that the trade may be able to calculate, with approximate certainty, the number of skins which are to be received in each year.

Besides, skins are being now put on the market at such irregular times and in such uneven quantities that buying *Geo. H. Treadwell, p. 523.* them has become a speculative business. I believe that the whole trouble has been brought about by the Victoria and other pelagic sealers, who furnish the present cheap skins.

Then, too, during the last few years buying fur-seal skins has become a business of a very speculative character, because it is impossible now to calculate at what times *Samuel Ullmann, p. 527.* and in what quantities they will be placed upon the market. It requires from three to six months to properly dress and dye skins, and if while this process is going on further sales take place (as has been the case at frequent intervals in the last two years), the tendency is to unsettle the market, advance or reduce the raw material, and thus directly affect both dealers and manufacturers. This has happened of late years only. I ascribe the present unsatisfactory condition of the business to the injurious operations of the Victoria sealers, whom I furthermore hold directly responsible for the present diminished catch of Alaska seals upon the Pribilof Islands.

The principal reason for the fluctuation in prices this year [1886] and in other years was the disturbed condition of the

London market, caused by reports of large collections, and so greatly did the catch of 25,000 skins affect the market that the skins sold for less in London than was paid for them in Victoria, British Columbia, entailing loss on the purchasers.

INVESTMENTS.

CANADIAN INVESTMENT IN 1890.

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I am very well acquainted with the class of vessels engaged in sealing. The most of them are of less than 100 tons burden, and a fair estimate of their average value *Isaac Liebes, p. 454.* would be, I should say, about \$4,500 per vessel, for both the American and British fleet, and about \$2,000 would cover the average cost of an entire outfit for a season's work. The total value of the Canadian sealing fleet is not, after all, as much as the sealers would lead us to suppose from their representations.

The second branch of my investigation was the number of vessels owned by Canadians engaged in sealing in the Bering Sea, their value, cost of outfit, etc. *T. T. Williams, p. 499.*

There are in the business twenty-four schooners. Total tonnage, 1,464 tons. Total value, including outfits, \$173,350. Whites employed, 261. Indians employed, 385.

Of these twenty-four schooners sailing under the British flag, five are owned half by Americans. These five schooners illegally under the British flag are worth \$36,500, leaving an actual Canadian investment of \$136,750.

It is a simple task to arrive with exactitude at the value of the schooners and their outfits. They cost to build in British Columbia \$80 per ton. In the United States the cost is \$100 per ton. The gross tonnage of the fleet being 1,464 at the American rate of \$100 a ton, it would represent \$146,400; at the Canadian rate, \$117,120.

This would be for the schooners as they are delivered new, with masts, sails, anchors, and fittings.

Some of the sealing schooners are fine, new boats, others are very old. The *Mary Taylor* and *Mary Ellen* have both seen thirty-five years of buffeting about the stormy ocean, while the *Lilly* has been forty-six years afloat. The *Black Diamond* is really unfit for sea, and the *Juanita* was driven out of the coast trade as unsafe and past repair. This was the fate of the *Wanderer* also. The *Letitia* I saw lying in the Victoria bone-yard being broken up, and the *Mountain Chief* is ready for the same fate.

In order to get an exact valuation, I procured, when possible, the record of the latest sale of the vessel, and in other cases employed an expert shipbuilder or took the valuations of the underwriter's expert, not on the amount for which the vessel was insured, but his estimate of what it would cost to replace her.

In every case the value I have given, except in case of actual sale, is rather more than the vessel would sell for in an ordinary bargain.

In the course of my investigation as to the value of the trade to Canada, I secured a copy of a report made for the Dominion Government by A. R. Miln, esq., surveyor of the port of Victoria. While Mr. Miln is naturally prejudiced somewhat in favor of his Canadian friends in preparing a report which will be made the basis of their claim on the United States Government, he is clearly an honest official and has done his work generally correctly. His estimate of the total value of the Victoria sealing fleet is \$200,500, or \$27,150 in excess of my valuations. As his figures are certain to be the ones adopted by the Canadian Government, I took special pains to correct my valuations thoroughly when they differed from his. I found that in many cases he had taken the owner's valuation, which was far in excess of the real value. I append the real value as compared with Mr. Miln's estimates, and also a copy of Miln's report made August 17, 1889, sworn to before A. L. Belyea, esq., Victoria, British Columbia, and forwarded to the governor-general of Canada.

As a sealing schooner is only engaged one-third of her time in the Bering, the other two-thirds being spent in the west coast sealing, fishing, otter hunting, or some other business, only one-third of the fleet's value can properly be said to be invested in the Bering sealing business. The actual cash investment of all the Canadas in this traffic is therefore one-third of \$136,750, or the insignificant sum of \$45,585.33, and even that would not be lost if the traffic were stopped.

Where Indians are employed as hunters, the expense of the outfit and voyage is much less. The Indians hunt from T. T. Williams, p. 502. their own skin canoes, kill with spears instead of firearms, so that other seals are not frightened away, and feed themselves on seal blubber. They are paid \$1.50 per skin and seal with two men to the canoe, one to spear and one to paddle. The cost of an outfit for a schooner carrying thirty Indians, which is a common number is fifteen skin canoes at \$20, \$300.

The expense of the voyage is for the wages and board of a white captain and four sailors, salt for seal-skins and a little tea and crackers for the Indians.

Indian sealing being so much cheaper and more profitable all the schooners would engage Indians were it not for the fact that these Siwash are an extremely troublesome race and require the utmost tact and skill to manage. Only a few captains can handle them to advantage and they are mostly captains who have Siwash blood in their veins.

EMPLOYÉS IN CANADA AND LONDON.

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(See "Loss to United States" and "Loss to Great Britain.")

EMPLOYÉS IN CANADA AND UNITED STATES.

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There are now employed in this house in the manufacture of fur articles about 140 men and women. If we were to lose the seal-skin industry, I do not know what would become of the business as a whole. It would be very seriously crippled. I have signed the name "Estate of John Ruszits," the name under which the business is now carried on, to the annexed statement.* I believe it to be correct in all respects. With regard to the approximate number of people stated to be employed in the seal-skin industry in the United States I will say this, that probably in the fall and winter a greater number, while in summer fewer, are employed; but I believe the number given to fairly represent the average number employed throughout the year. I agree With all that is said by Samuel Ullmann in the last paragraph or section of his affidavit verified June 21 and hereto annexed.

In this industry we have constantly employed during the last ten years about forty men and women, who receive average wages of \$1.25 to \$2 a day. Our "pickers" get an average of \$1.25 for each skin, and they handle about three a day. My pay roll averages about \$500 a week.

Working men and women are employed in the industry of manufacturing seal-skin articles in the United States as follows:

	Number.	Wages per diem.
a. Fur-cutters (i. e., people who trim, repair, and prepare the general shape of skins).....	1,200	\$3.50 to \$4.50
b. Nailers (i. e., people who stretch and nail skins into shape on boards)	600	2.00 to 2.50
c. Sewers and finishers (i. e., people who put the article into final shape)	1,500	1.50 to 2.00
d. Those who machine skins (i. e., remove the portion of guard hairs left by the "unhairers").....	60	2.00
Total	3,860	

The fur-cutters represent skilled labor of a high order. They handle about eight skins a day.

No account is taken of porters, clerks, salesmen, etc., employed in the large establishments.

I employ, and for some time past have employed, about 60 workmen, and my pay roll amounts to about \$900 a week. Most of these workmen can be classed as skilled laborers.

* See affidavit of Jos. Ullmann et al.

CANADIAN INVESTMENT QUESTIONABLE.

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But there is really not one dollar actually invested in the Bering Sea sealing, and for these reasons:

(1) All the schooners are engaged in other business, such as hunting and fishing down the west coast and in the North Pacific.
T. Williams, p. 500.

(2) If the sealing business was stopped entirely the schooners would not depreciate a dollar in value.

(3) The sealing business requires no special plant, weapons, or utensils. The schooners are common schooners, the boats common boats, and the guns common guns which will bring their value at any time for any other purpose.

(4) Less than one-third of a sealing schooner's cruise is in the Bering.

PELAGIC SEALING A SPECULATION.

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There is very little in the sealing business now, the cost of fitting out a vessel being from \$5,000 to \$6,000, and you have *Wm. Bondt, p. 405.* to take the risk of having your vessel confiscated.

I sent my vessel this year over to the coast of Japan. There were some seventy-odd schooners fitted out last year from Victoria and they all got good catches, while from here there were only from ten to fifteen schooners fitted out, and they did not do as well.

If a vessel hunts seals from January to May along the coast and pays expenses it does well at the present time, and very *William Brennan, p. 380.* few do it. Nearly all would lose money if the hunting was confined to the Pacific Ocean, but they depend on the Bering Sea catch, where the seals are more plentiful and occupy a more limited space as a feeding ground.

The increased value of skins in the last few years has stimulated inexperienced men to go into the business, and *Geo. Fogel, p. 424.* they slaughter everything in sight without regard to sex.

And it is a common remark among seamen who ship on sealing vessels that they do not care about going, for there *Jas. Laflin, p. 452.* is nothing in it, and only those will ship that are hard up and can get nothing else to do.

The seals taken by schooners do not bring in the London market more than one-half realized by the lessees of the Pribilof Islands. The reason for this is the company's *Morris Moss, p. 342.* are all young bulls and are killed by being clubbed on the head, while those killed by the schooners are of all kinds and sizes and are perforated with shot; consequently are not perfect skins.

I held the position of chief bookkeeper and cashier for H. Liebes & Co. during said period of time [from 1883 to 1892, *S. W. Saalburg, p. 521.* inclusive] and know of my own personal knowledge that the number of skins set forth below were duly purchased by said firm at the average prices stated, and that payment therefor is regularly entered on the firm's cash books of the respective years.

Statistics of prices.

Year.	Number of skins.	Amount paid.	Average price.	Year.	Number of skins.	Amount paid.	Average price.
1883.....	99	\$430.00	\$4.34	1889.....	24,486	\$176,221.00	\$7.20
1884.....	11,108	62,081.00	5.58	1890.....	30,011	302,417.00	\$10.08
1885.....	9,854	74,184.75	7.53	1891.....	11,174	164,637.00	\$14.74
1886.....	7,563	37,729.25	4.99	1892.....	1,322	14,506.00	\$10.97
1887.....	17,066	99,549.50	5.54				
1888.....	13,459	74,956.00	5.57		127,032	1,006,661.50	.....

*Recent increase in price.

I have signed the name of Joseph Ullmann to the statement hereto annexed, which has been prepared from a careful examination of the books of the house of said Joseph Ullmann in the city of New York, and I know said statement to be correct and true in every respect. All of the seal skins therein referred to are of the class known as Northwest Coast skins. In this term I mean to comprise all skins taken in the Pacific Ocean or in the waters of Bering Sea. The skins in question were purchased at Victoria, British Columbia, with the exception of 499, which were purchased in August, 1899, at San Francisco. Said books show the following assortment of portions of these skins, respectively, 1,835 and 1,076 in number, bought in May and June, 1888, together with the prices paid for each grade per skin:

May, 1888.

I { 885 Bering Sea seals	\$4.57
I { 551 West Coast seals	5.00
I { 102 West Coast gray pups	1.25
I { 2 West Coast pups	2.50
II { 252 West Coast seals	5.00
II { 41 West Coast gray pups	1.00
II { 2 West Coast pups	2.50

June, 1888.

985 seal skins	4.80
18 seal skins	6.00
100 gray pups	1.25

The skins marked I formed one lot and represented the catch of a single vessel. The same is true of the skins marked II. The percentage of gray pups contained in each of these lots, both of which were bought on assortment, is not an unusual one.

The house of Joseph Ullmann has, of late years, been one of the largest single buyers of seal skins at Victoria, and my knowledge and experience enable me to state that Saml. Ullmann, p. 533. the prices paid by this house, as contained in the annexed statement, represent fairly the value of such skins at Victoria in each of the past five years.

The rapid rise in the price paid for these skins in the years 1890 and 1891 can only be explained through the sudden decrease, which in the years 1890 and 1891 took place in the annual catch on the Pribilof Islands. As soon as it became known in the latter part of the summer of 1890 that only about 21,000 skins had been taken that year on the Pribilof Islands, the price of skins rose rapidly at Victoria; and reference to the annexed statement will show that while in June we had bought at less than \$7 a skin, in September of the same year we pur-

chased at \$11 a skin, these September purchases having been made at my direction immediately after the receipt of the information concerning the reduced catch on the Pribilof Islands.

Our Northwest Coast purchases of 1891 were made in open market. The still higher prices paid in that year were directly due to the so-called *modus vivendi* between the United States and Great Britain, whereby the Pribilof catch was reduced to 7,500 skins, and sealing in the waters of Bering Sea entirely prohibited.

1887.				1889—Continued.			
Month.	Number of seal-skins purchased.	Total price.	Average price per skin.	Month.	Number of seal-skins purchased.	Total price.	Average price per skin.
May.....	730	\$3,910.00	\$5.35	August.....	499	\$3,507.75	\$7.08
August.....	67	295.00	5.17	October.....	630	4,882.50	7.75
October.....	4,706	27,138.40	5.76				
1888.				1890.			
May.....	1,835	\$8,237.95	\$4.49	May.....	2,210	\$20,965.50	\$9.48
June.....	1,078	4,831.40	4.49	June.....	613	5,332.50	8.69
September.....	2,516	20,208.75	5.75	Do.....	485	3,031.50	6.27
October.....	8,686	20,700.74	5.61	September.....	2,618	28,766.00	10.98
				Do.....	2,152	23,672.00	11.00
				October.....	1,828	20,045.80	11.27
				Do.....	2,615	30,358.90	11.60
				Do.....	1,866	16,254.25	11.18
1889.				1891.			
April.....	529	\$3,236.00	\$6.12	May.....	1,487	\$22,232.00	14.95
May.....	1,992	13,622.20	6.62	Do.....	26	812.00	12.00
June.....	288	1,440.25	6.18	July.....	105	1,715.00	16.33
July.....	138	1,060.75	7.61				
Do.....	678	4,860.95	7.17				
Do.....	24	150.80	6.28				
August.....	1,137	7,159.00	6.29				

In considering the number of skins taken during the past it must be borne in mind that the schooners have frequently been seriously interfered with in their work by the cruisers of the United States Government.

Theodore T. Williams,
p. 495.
Mr. Miln, surveyor of the port of Victoria, in his report to the Dominion Government, of which I was so fortunate as to secure a copy, stated that if not interfered with by cruisers a large-sized schooner would surely capture 3,000 skins during the season in the Bering. Mr. Miln's estimates in that respect, as in many other matters, I found to be fair and honest. * * *

I append, as a part of this affidavit, a copy of the report I made to the Alaska Commercial Company on this subject in 1889, and which they used for the purpose hereinbefore set forth, and I desire to add that subsequent inquiry has proved that the statements and conclusions in the report I then made were correct. It must be taken into consideration that the estimates of the profits of sealing voyages, and other matters contained in that report, were based upon the value of skins in that and former years. Subsequently skins have increased in value, and profits of large catches would therefore be proportionately greater, but the conditions of sealing have not changed since then, nor can they change, with the exception that the fleet of sailing vessels has largely increased, consequently the destruction of seals has been much greater in the last two years.

To the President of the Alaska Commercial Company:

I have made a thorough and accurate examination of the seal-hunting industry of British Columbia which is carried on in Bering Sea, in accordance with the following instructions received from your company: *Theodore T. Williams, p. 496.*

"Exact account of British Columbia fur-seal industry, to go back as early as possible and show the area over which the seals were hunted before the existence of the Alaska Commercial Company (1870) and during the early years of the lease.

"It should show the development and expansion of the business, in accordance with the enhanced value of skins, caused by the operation of the company.

"As exactly as possible it should give—

"Statistics of yearly catch and prices obtained for same at British Columbia, number of vessels employed, their value and cost of outfit, and any other details of the business possible.

"To be of value it should be accurate, and not merely approximate, as we desire to use the figures to base our estimate for bidding for renewal of the sealing lease, an important factor, in which must necessarily be the probability of the continuance of illicit sealing and its consequent depletion of the seal herd. The profits to illicit sealers being greater or less, will, of course, increase or decrease their number.

"There should also be a careful statement made and sworn to by competent men of the value of the vessels that have been seized and stranded at Unalaska or condemned elsewhere. All this should be prepared as honestly and correctly as possible, with no effort to minimize values, but only to state honestly, as near as may be, real values."

*Statistics of yearly catch.***1881.**

The first seal-skins ever handled in British Columbia caught in the Bering Sea were taken in 1881. Prior to that year, no vessels sealed in the Bering. In 1881, the American schooner *San Diego* caught 193 seals in the Bering, and sold the skins to T. Lubbe, of Victoria, British Columbia, at \$9.25 per skin. These skins were shipped to London, as are nearly all of the skins bought in Victoria, British Columbia, and the trade, therefore, brought no profit to Canada, T. Lubbe being an American. I have, however, included the record of this and all other collections made by American ships in the Bering Sea when sold in British Columbia, because they all figure in the reports of the Victoria custom-house. In keeping the collection of the American and Canadian vessels from the Bering district, you can see at a glance the relative value of the Bering Sea collection to American and Canadian sealers.

1882.

American schooner *San Diego*: Bering Sea collection, 327 seals; sold to T. Lubbe at Victoria, British Columbia, at \$8 per skin.

1883.

American schooner *San Diego*: Bering Sea collection, 908 skins; sold to T. Lubbe, Victoria, British Columbia, at \$10 per skin.

1884.

Bering Sea collection, sold in Victoria, British Columbia: American schooner *San Diego*, 980 skins, at \$8; American schooners *Otter* and

Alexander landed in Victoria, British Columbia, 1,700 skins to be re-shipped to H. Liebes & Co., of San Francisco, owners of the two vessels; British schooner *Mary Ellen*, 1,409 seals, sold at \$7.50 per skin.

Thus it will be seen that the British Columbia seal industry in the Bering began in 1884. The *Mary Ellen* was owned by D. McLean, was of 63 tons, had a crew of twenty-one whites and was worth \$6,000, including her outfit.

1885.

Bering Sea collection: American schooner *City of San Diego*, 1,953 skins, at \$7.60; American schooner *Vanderbilt*, 1,244 skins, at \$7.60; American schooner *San Diego*, 1,726, at \$7.39; American schooner *Look-out*, 1,100, at \$7.50; British schooner *Favorite*, 1,383, at \$7.60; British schooner *Mary Ellen*, 1,773, at \$7.60.

1886.

Bering Sea collection: American schooner *Anne*, 182, at \$5.50; American schooner *Therese* (since sailed under British flag), 2,000, at \$6.50; American schooner *Sylvia Handy*, 1,700, at \$6.50; American schooner *City of San Diego*, 1,600, at \$6.50; American schooner *Helen Blum*, no record. The British schooners *Onward*, *Caroline*, and *Thornton* were seized in the Bering with about 2,000 skins on board.

The *Caroline*, though under the British flag, was owned one-half by an American named Bechtel, who furnished also the money for the outfit. Bechtel is interested also in the British schooners *Mary Taylor*, *Pathfinder*, and *Viva*.

The ships were put under the British flag in defiance of the British merchant shipping act, which forbids any partnerships or beneficial interest in any British ship by a foreigner. To secure himself in case of trouble Bechtel has mortgages on the schooners. The *Thornton* was owned half by J. Boscowitz, an American, who owned and now owns all or part of every schooner registered under the British flag in the name of Capt. Warren. This fact came out a short time ago in a lawsuit in Victoria between Warren and Boscowitz. The books of the firm being produced, it was shown that Boscowitz not only owned and shared a half interest, but had advanced moneys for Capt. Warren's share, on which he collected interest. I append a duly certified copy of part of the evidence in the suit of Warren v. Boscowitz and Cooper, copied from the archives of the court in Victoria and fully certified to by Harvey Coombe, esq., deputy registrar of the supreme court of British Columbia, over the great seal of the Dominion of Canada.

Besides the 2,000 skins taken by the seized sealers, the collections in the Bering Sea by British schooners were:

British schooner <i>Dolphin</i> ,	2,200	at	\$7.00
" " <i>Alfred Adams</i> ,	1,455	"	7.00
" " <i>Active</i> ,	1,338	"	7.00
" " <i>Black Diamond</i> ,	828	"	7.00
" " <i>Pathfinder</i> ,	1,700	"	6.65
" " <i>Sierra</i> ,	1,000	"	6.50
" " <i>Favorite</i> ,	3,492	"	6.50
" " <i>Anna Beck</i> ,	1,142	"	6.65
" " <i>W. P. Saycard</i> ,	1,600	"	6.50
" " <i>Grace</i> ,	1,700	"	6.50
" " <i>Mary Ellen</i> ,	3,559	"	6.50
" " <i>Penelope</i> ,	194	"	6.50
" " <i>Mountain Chief</i> ,	630	"	6.50

The principal reason for the fluctuation in prices this year and in other years, was the disturbed condition of the London market, caused by reports of large collections, and so greatly did the catch of 25,000 skins affect the market that the skins sold for less in London than was paid for them in Victoria, British Columbia, entailing loss on the purchasers.

1887.

The seizures in the Bering Sea in 1886 stopped the American sealers from fitting out in 1887, with the exception of two schooners commanded by British Columbians, who decided to take the risk. It was openly declared at Victoria that the United States Government would not go further than remonstrate.

The American boats that entered the Bering Sea were the *City of San Diego*, which made a catch of 1,187 seals, selling at \$5.50, and the *Vanderbilt*, 1,349 skins, at \$5.50.

The catch by British sealers was:

British schooner	<i>Mary Taylor,</i>	1,000	at	\$6.00
" "	<i>Penelope,</i>	1,292	"	5.50
" "	<i>Pathfinder,</i>	2,377	"	6.00
" "	<i>Mary Ellen,</i>	2,130	"	5.50
" "	<i>Black Diamond,</i>	990	"	5.50
" "	<i>Mountain Chief,</i>	624	"	5.50
" "	<i>Favorite,</i>	1,887	"	5.50
" "	<i>Therese,</i>	900	"	5.50
" "	<i>Kate,</i>	1,625	"	5.50
" "	<i>Triumph,</i>	500	"	5.50
" "	<i>Lottie Fairfield,</i>	2,507	"	5.50

The *Ada*, *Anna Beck*, *Dolphin*, *Grace*, and *W. P. Sayward* were seized by the United States Government.

1888.

Bering Sea collections, sold in Victoria in 1888:

British schooner	<i>Juanita,</i>	1,030	at	\$5.62½
" "	<i>Mary Ellen,</i>	700	"	5.62½
" "	<i>Triumph,</i>	2,470	"	5.62½
" "	<i>Annie C. Moore,</i>	715	"	5.62½
" "	<i>Black Diamond,</i>	765	"	5.62½
" "	<i>Pathfinder,</i>	600	"	5.62½
" "	<i>Viva,</i>	2,069	"	5.62½
" "	<i>Favorite,</i>	2,349	"	5.62½
" "	<i>Maggie Mc,</i>	1,424	"	5.62½
" "	<i>Penelope,</i>	1,054	"	5.62½
" "	<i>Mountain Chief,</i>	781	"	5.62½
German schooner	<i>Adele,</i>	450	"	5.62½
American schooner	<i>Anne,</i>	1,040	"	5.62½
" "	<i>Webster,</i>	520	"	5.62½
" "	<i>Olson,</i>	500	"	5.62½
" "	<i>Walter A. Rich,</i>	400	"	5.62½
" "	<i>Allie I. Alger,</i>	380	"	5.62½

1889.

Bering Sea collection, 1889, landed at Victoria, and all shipped to England and United States.

So far the average selling price at Victoria has been \$7.65.

German schooner	<i>Adele,</i>	1,600
American schooner	<i>Allie I. Alger,</i>	284
" "	<i>Newton,</i>	239
" "	<i>J. G. Swan,</i>	60
" "	<i>Henry Dennis,</i>	700
British schooner	<i>Pathfinder,</i>	50
" "	<i>Viva,</i>	2,180
" "	<i>Annie O. Moore,</i>	1,300
" "	<i>Maggie Mc,</i>	1,290
" "	<i>Sapphire,</i>	1,629
" "	<i>W. P. Sayward,</i>	1,600
" "	<i>Kate,</i>	911
" "	<i>Favorite,</i>	None.
" "	<i>Penelope,</i>	1,850
" "	<i>Black Diamond,</i>	55
" "	<i>Lilly,</i>	74
" "	<i>Ariel,</i>	834
" "	<i>Minnie,</i>	521
" "	<i>Beatrice,</i>	700
" "	<i>Therese,</i>	None.
" "	<i>Mary Ellen,</i>	None.

The record of the collection, as given above, is from the custom house at Victoria, and verified by the principal purchasers. The price paid for skins came from the account books of the purchasers, and were verified by current price lists published in the London fur market.

There are 24 Victorian schooners in the trade and 32 San Francisco and Puget Sound schooners, making a total of 56

T. T. Williams, p. 502. schooners. At the rate of 3,000 skins to the schooner, they would, if undisturbed, take 168,000 skins. As the seals they kill in the Bering are nearly all females either in young or having just pupped, the loss of seal life would be 336,000. To this must be added 168,000 killed and wounded seal and their pups not caught, making a total of 672,000 seal killed with the present fleet.

Both Miln's valuations and my own include the cost of the sealing outfit. The value of an outfit for sealing depends

Thos. T. Williams, p. 501. upon the size of the schooner, the number of men and boats she carries, and whether or not they are Indians. As you will see by one of the tables appended, there were this year 383 Indians and 261 white men employed on sealing schooners fitted out in Victoria, and where white men are employed the schooner carries boats of American make, has her hunters armed with rifles and shotguns, and carries all told a crew of 4 men to each hunting boat. The men are engaged in this way: The hunter who shoots the seal has 2 men in his boat to row him, making 3 men actually in the boat, and a few hands are left on board the schooner to handle her. Thus a schooner having a crew of 20 men all told would have 5 boats and 5 hunters. The cost of the outfit is, for such a schooner:

Five boats costing in San Francisco, where they are all built, \$100 each.....	\$500
Five Marling rifles, at \$35	175
Five shotguns, at \$35	175
Two extra guns.....	70
Salt for sealskins	200
Five thousand rounds ammunition for guns and rifles.....	125
Provisions for 20 men four months, at \$8 per head per month	640
Insurance, one-third of year.....	175

The expenses of a sealing trip in the Bering are, for a four months' cruise:

Captain, wages, at \$100.....	\$400
Ten seamen, at \$35 per month.....	1,400
Five ordinary seamen or boys, at \$20 per month.....	400
Paid to hunters, at \$2 per skin, 1,600 an actual average.....	3,200
	<hr/>
	5,400
Total expense and outfit.....	7,460

As the hunters are paid by the skin, the expenses would be more if the catch was larger. The expense of a six-boat schooner would be proportionately greater as it would be if the cruise was made longer. Miln's estimate in his report to the governor-general of Canada is based on a longer cruise in a large schooner, and is no doubt a fair estimate.

Still, the actual expenses of a schooner can not be figured accurately except by the owner, who charges every item of expense against her as it is paid out, and the figures I have given only serve as an approximate guide to the average profits of a sealing trip. According to Mr. Miln's estimate, a big schooner catching 2,000 seals (an observedly high estimate) would make a profit of \$4,440 on her trip if the skins sold for \$7.50 each, and he adds that she could catch 3,000 skins if undisturbed by a United States revenue cruiser, and if she could, two things would happen—skins would drop to next to nothing in value, and there would be no seals next year.

The average market value of seal-skins taken in the water as compared with that of animals properly selected on the seal islands, either of Alaska or Siberia, is *Isaac Liebes, p. 453.* about one-third. The former are mostly pregnant cows, the fur of which is thin and poor, compared with the males, and the skins are riddled more or less with bullets and buckshot, making them practically unfit for first-class garments.

In ascertaining the value of the vessels that have been seized by the United States Government for illegal sealing in the Bering Sea I got the record of actual sales *Theo. T. Williams, p. 505.* in every case where the vessel had changed hands during the past six years. Many of the schooners were bought by their last owners at private sale, but others had been sold at auction. The seized schooners belonging to Boscowitz and Warren were all sold at auction in the year 1885, and were bought in by a party in the interest of Boscowitz for \$1 each above the lien on them. No one bid higher than that, for the excellent reason that the lien represented in every case the full value of the boat and outfit, and was given by Warren, in whose name the boats stood, to secure Boscowitz, who, being an American, could not legally own an interest in boats sailing under the British flag. I append a certified copy of the sale of these vessels at public auction in Victoria in 1885.

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CITATIONS

FROM THE

WRITINGS OF JURISTS AND ECONOMISTS

ILLUSTRATING AND SUPPORTING CERTAIN PROPOSITIONS
MAINTAINED IN THE ARGUMENT OF THE UNITED
STATES UPON THE SUBJECT OF PROPERTY.

CITATIONS FROM THE WRITINGS
OF
JURISTS AND ECONOMISTS
ILLUSTRATING AND SUPPORTING (*INTER ALIA*)
THE FOLLOWING PROPOSITIONS
MAINTAINED IN THE ARGUMENT OF THE UNITED STATES
UPON THE SUBJECT OF PROPERTY.

FIRST. That the earth and all its bounties were originally bestowed upon mankind in common.

SECOND. That the institution of *property*, and especially of *private property*. exists only for the satisfaction of the great social necessities of mankind.

That such necessities may be generally described as two-fold.

1. The preservation of peace and order.

2. The *preservation* of the gifts of nature, and the making of them *more productive*, in order to support the increasing population of the earth which the advance of civilization necessarily involves.

THIRD. That the institution of property is governed by the *social necessities* which it is designed to satisfy; and will be extended to every subject to which those necessities require its extension.

FOURTH. That the extent of the dominion which is allowed by the institution of property, either to nations or to individuals, is always limited by the social duties which invariably accompany it.

1. It is the *use* only which is given.

2. They must be so used as to carry out the purpose of the original gift for the benefit of all mankind. What is not needed for the use of the nation or individual owning the gift must be offered on reasonable terms to the rest of mankind.

3. Nothing must be wantonly or needlessly destroyed.

FIFTH. Wherever a useful thing is not furnished by nature in quantities sufficient to satisfy the desires of *all*, and will be exhausted unless it may be preserved by making it the subject of property, it must be made the subject of property.

VATTEL, 7th Amer. ed. 1849, ch. XVIII, sec. 203, p. 98.

Sec. 203. Hitherto we have considered the nation merely with respect to itself, without any regard to the country it possesses. Let us now see it established in a country which becomes its own property and habitation. The earth belongs to mankind in general; destined by the Creator to be their common habitation, and to supply them with

food, they all possess a natural right to inhabit it, and to derive from it whatever is necessary for their subsistence, and suitable to their wants. But when the human race became extremely multiplied, the earth was no longer capable of furnishing spontaneously, and without culture, sufficient support for its inhabitants; neither could it have received proper cultivation from wandering tribes of men continuing to possess it in common. It therefore became necessary that those tribes should fix themselves somewhere and appropriate to themselves portions of land, in order that they might without being disturbed in their labor, or disappointed of the fruits of their industry, apply themselves to render those lands fertile, and thence derive their subsistence. Such must have been the origin of the rights of *property* and *dominion*: and it was a sufficient ground to justify their establishment. Since their introduction, the right which was common to all mankind is individually restricted to what each lawfully possesses.

CAULFEILD HERON, L. L. D., *An Introduction to the History of Juris-prudence*, Bk. I, ch. IV, p. 71, London, 1860.

Property is the right of using. The right of property is founded upon its subserviency to the subsistence and well-being of mankind. The institution of property is necessary for social order. The exclusive appropriation of things is essential for the full enjoyment of them. . . It is the principal foundation of social improvement; it leads to the cultivation of the earth, the institution of government, the establishment of justice. In the right of property Bentham includes four things: 1. The right of occupation; 2. The right of excluding others; 3. The right of disposition; 4. The right of transmission.

GEORGE BOWYER, D. C. L., *Commentaries on the Constitutional Law of England*, 2d ed., London, 1846, p. 427.

III. The third primary inherent right of the citizen is that of property, which consists in the free use, enjoyment and disposal of all that is his, without any control or diminution, save by the law of the land. The institution of property, that is to say, the appropriation to particular persons and uses of things which were given by God to all mankind, is of natural law. The reason of this is not difficult to discover, for the increase of mankind must soon have rendered community of goods exceedingly inconvenient or impossible consistently with the peace of society; and indeed by far the greatest number of things cannot be made fully subservient to the use of mankind in the most beneficial manner unless they be governed by the laws of exclusive appropriation.

DE RAYNEVAL, *Institutions du Droit de la Nature et des Gens*, ed. 1803, sect. 2, p. 96.

Property did not exist in the primitive state of the world, and it is no more inherent in human nature than heredity. Originally men did not possess more than the animals possess to-day. The earth was common to all and belonged to no one. When agriculture became necessary for the sustenance of man, each was partial naturally to the earth which he had cleared by the sweat of his brow, and which offered him the fruit and the recompense of his labor; whence the first idea of preservation and property; whence also, the quarrels which the exclusive right must have caused upon the ground that it was invoked for the first time. These quarrels must have finally led to compromises; these compromises introduced the right to enjoy exclusively the land

which each had cleared and cultivated, and this is the most reasonable origin of property. It was introduced for the maintenance of peace among men. It is the principle of their union and social order.

T. RUTHERFORD, *Institutes of Natural Law*, 1799, 3d ed., pp. 56-59 and p. 93, sec. 4, 5, chap. IV, and sec. 6, chap. V.

IV. Such a community of goods as we have been speaking of, would necessarily become inconvenient, as the wants of mankind increased, and as the love of justice and equity decayed amongst them. The wants of mankind were increased by polishing their manners, and by introducing amongst them a civilized and elegant way of living. Savages who would be contented to live in caves, to clothe themselves with bark or skins, and to feed upon nuts and acorns, or such other fruits as the earth produces without much culture, would have but few wants, and these wants would be easily supplied. But when men are civilized and improved in their way of living, they must have convenient houses, useful furniture, warm and clean clothing, and their food must be prepared and dressed for them before they can eat it. This increase of wants arising from a civilized and improved way of living would not be perceived, if nature furnished us with as plentiful a supply for these wants as for the ordinary wants of a savage; but materials to supply such wants as these are not to be met with everywhere; nature has given us some of them so sparingly, that it requires much industry to collect them; and even those which are collected most readily, are not fit for use till they are improved and manufactured with much art and labour; so that even in these instances, where materials are plentiful, provisions would be scarce, if there were not able heads to contrive, and a number of hands to work.

But the increase of numbers will be an additional increase of the wants of mankind. Whatever way of life they may be in, the greater their numbers are, the greater plenty of provisions they will have occasion for. The same quantity of materials, or the same improvements which would produce plenty if there but few men to consume what is provided, would be too scanty to supply the demands of a multitude. When the wants of mankind, compared with the provisions for supplying them were thus increased, it would become not only inconvenient, but inconsistent, too, with their peace and quiet, to continue joint partners of all things, as of a common stock belonging equally to all. For when the wants of them all, in such a scarcity of provisions, could not be supplied at once; when more men came at the same time to have occasion for the same thing, which could not, however, answer the purposes of more than one of them; in such a state of community, where each has the same claim to what all of them want, and but one of them can enjoy, disputes and quarrels would be endless.

This inconvenience would become more pressing, if mankind failed in the practice of equity and benevolence towards one another. Few would be willing to labour for the improvement of a common stock, where others are to enjoy in common with themselves the produce of their contrivance and industry; and few, even of them, who were least able or least inclined to work, would be willing to take up with the rude and uncultivated supplies of nature, or be contented to use and enjoy nothing but what they had cultivated and improved themselves. Thus, on the one hand, the want of such benevolence as might incline us to labour for the good of the species, and on the other hand, the want of such equity as might dispose us to be satisfied with fruits of our own

industry, would increase those disputes and quarrels which a scarcity of provisions had begun.

V. The most effectual way of securing the peace of mankind in these circumstances is by introducing an exclusive property. As by this means the extent of each person's claim is ascertained, and the particular share out of the general stock which belongs to him is settled, he can have no just grounds for quarrelling with others, for taking more than they ought to have, whilst they let his property alone: and they, on the other hand, can have no pretence to hinder him from using and enjoying what he has a right to use and enjoy, exclusive of them. If his share is large enough to supply him with the conveniences and elegancies of life, those who are more scantily supplied, have no just reason to complain that they are injured; and if the share which is allotted to him out of the general stock will afford him no more than the necessaries of life, he must content himself as well as he can, with this small provision, because he knows that he can claim no more. This, then, is one advantage of an exclusive right above a community of goods, that, though it may sometimes be a question amongst several claimants, which of them has the right, yet, these questions will seldom arise, and even when they do arise, they will admit of a decision. No two persons can have full property in the same thing, because the property of one effectually excludes the claim of the other. Whereas in a state of community where all have an equal right to the same thing, it would be a continual question, which claimant should use or enjoy the matter in dispute; nor could such a question be easily decided, because neither of the claimants could set forth such a right as would effectually overrule the pretensions of his competitor.

But there is, besides this, another considerable advantage arising from the introduction of property: Such an exclusive right assigns to each person the part or materials in which he is to labour, and makes the improvements produced by his art and industry entirely his own. Men will be more ready to make improvements when they are morally sure of enjoying them, than they would be, if others who are unwilling to work had any claim upon the fruits of their labour. These seem to be the reasons which determined mankind to change their right to things from a common claim, which belonged to all alike, into an exclusive claim of particular property.

It may seem strange that we should enquire, whether all mankind can in any circumstances or in any instances claim, of common right, to make use of such things as are appropriated to particular persons. For since property is an exclusive right to the things appropriated, it seems to have wholly superseded these common claims of mankind. We shall however find upon enquiry, that the fact is otherwise; and that in some circumstances our common right to the use of things remains, even after those things have been appropriated, and have their distinct and respective owners.

Grotius maintains that there are two instances of such a common claim; the first he calls the right of extreme necessity; the latter the right of harmless profit. In support of the right of extreme necessity we may urge with him, that when mankind first agreed to divide the common stock amongst them; or when afterwards they suffered any one to acquire property by occupancy, if they had been asked whether they consented so effectually to exclude themselves from what they agreed to appropriate as never to claim any use of it, even though it should be absolutely necessary to their own preservation, it is most likely they would have answered, that they intended no such thing, but

agreed to the introduction of property for the convenience of all, and not for the destruction of any. And since the claim which the proprietor of a thing has to it depends upon the consent of mankind, this claim must be subject to all the limitations which they designed to lay it under, and can extend no farther than they designed it should extend.

We may urge in support of the same right of extreme necessity that no compact, either express or tacit, could so introduce property as to be binding without such a limitation. For since the right which a man has to his life is unalienable, as will appear hereafter, he cannot alienate the natural right which he has to the necessary means of his own preservation. However, therefore, mankind may have consented that particular things should be possessed in property by particular persons; yet in whatever respect such things become absolutely necessary for the preservation of individuals, they still continue in common. So that extreme necessity sets property aside, or makes it lawful for persons who labor under such necessity, to use those things in which others have property as if the things were still in common. Thus, where a man must have starved otherwise, it is naturally no theft if he takes victuals which is not his own; because, though the owner of what is so taken has, in respect of all other men, an exclusive right in it, he has no such right in respect of the necessitous person. You may say, indeed, that it is not the property of the poor man who takes it; which we readily allow. But then, we contend that, in respect of him, it is not the property of the person from whom he takes it. If it was you might easily prove this act to be theft unless the owner consented to his taking it; because theft consists in taking away the property of another without his consent. But you should observe that where there is no property there can be no theft. And if, in order to prove the poor man's act to be theft you will assume that the person from whom the thing is taken has property in it, you either take the matter in question for granted, or else you are guilty of a fallacy. If, when you assume that the person from whom the thing is taken has property in it, you mean that he has property in respect of the poor man; or that, as the owner has a right to exclude all others from the use of the thing, so he has likewise the same right to exclude him, you take the matter in question for granted. But if when you assume this in general, you mean only that he has property in respect of all others, you are guilty of a fallacy; you have more in your conclusion than is contained in your premises; you assume only that he has property in respect of some, and conclude, as if he had property in respect of all.

To this head we may likewise refer the right, which we have in case of fire, to pull down our neighbor's house in order to preserve our own; the right which we have to cut the nets or cables of another man when our own boat is entangled with them, and must otherwise sink; the obligation on ship-board which each person is under, in a scarcity of provisions, to bring out his own stock and to leave it in common; the right which, in a storm, all who are on board have to demand that each person shall throw so many of his goods into the sea as would overburden the ship; and lastly, the right which a nation at war has to seize upon and garrison a place of strength in a neutral country, when it is morally certain that the enemy would otherwise get possession of it, and by that means be enabled to do them irreparable damage. For though, in some of these instances, the preservation of life may seem not to be immediately concerned, yet, at least the reason upon which Grotius supports the right of extreme necessity is applicable to all of them. It is not probable that mankind when they consented to intro-

duce property, should design to extend that claim to cases wherein such an exclusive right would force them to suffer what is beyond the ordinary patience of human nature.

PUFFENDORF, *Private Property springs from the Interest of Peace and Civilization*, Bk. IV, ch. iv, sec. 14, p. 377, London, 1749. (English trans.)

Inasmuch as a social life is the very foundation of a natural law, and since it is at the same time sufficiently evident from the temper and genius of mankind that in a great multitude where all join their endeavors towards improving life with various inventions, the peace and beauty of society could not be kept up without distinct dominions of things, such dominions were therefore settled and this very rightly and agreeably to the aim of nature's laws, human affairs plainly requiring it to be done.

Ibid., Bk. IV, ch. v, p. 378.

We are in the next place to inquire into the object of property, or to examine what things are capable of coming under that condition. Now to give a thing this capacity we judge these two qualifications to be necessary.

First. That it be able to afford some use to men mediately or immediately; by itself or by its connection with somewhat else: and

Secondly. That it be someway or other so far under the power of men, as that they may take possession of it and keep it for their occasions. And further, since property implies a right of excluding others from your possession, without which right would be altogether insignificant if it could not be effectually exercised; it would be in vain for you to claim that as your own which you can by no means hinder others from sharing with you.

II. Yet some things there are which though very beneficial to mankind, yet by reason of their vast extent are inexhaustible, so that all may enjoy them together and yet no man suffer in his particular use. To appropriate things of this nature would be malicious and inhuman; and on this account it is usual to attribute an exemption from property to the light and heat of the sun, to the air, to running water, and the like.

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III. We are likewise to observe that as the substances of those things which men have dominion over, are composed of different kinds of matter, so each thing is taken and possessed in that way which the condition of its nature admits. For the more closely anything can be confined and as it were shut up, the more easily will it produce the effects of property against the claims of others; and consequently the more capable a thing is of being guarded from unjust invaders, the greater security we promise ourselves in the property of it. Yet, as we are not immediately to conclude a thing exempt from property because it cannot, without some trouble be kept from other hands, so, in case a thing be in so wide a manner spread and diffused as that either it is morally impossible it should fall under any method of keeping, or that it cannot be kept without much greater charges than the fruits and advantages of it would countervail, it is not to be supposed that any

person desires to fix a property which can bring him nothing but burthen and expense in defending it; though to render a thing capable of being appropriated it is not strictly necessary that we should inclose it, or be able to inclose it within artificial bounds, or such as are different from its own substance; it is sufficient if the compass and extent of it can be any way determined.

Ibid., Vol. II, ed. 1729, Bk. IV, ch. v, sec. 12, p. 379. (English translation.)

There are things which as they afford us different uses may in regard to some uses be spent and exhausted, and yet in regard to other uses yield a never-failing abundance. Now as on the one side there is no reason why such things as those should not be brought under property, so, on the other side, the law of kindness and humanity forbids us to deny the inexhaustible use of them to any person that in a friendly and peaceable manner desires it.

SHELDON AMOS, *A Systematic View of the Science of Jurisprudence*
London, 1872, ch. x, p. 122.

It is scarcely possible to picture a condition of human life in which the fact of ownership is not even dimly and imperfectly recognized. In the most barbarous condition it seems to be essential to the possibility of preserving human life that there should be found a prevalent acknowledgment of the claims of individual persons to enjoy the undisturbed use of the materials they need for their support; of the weapons wanted for defence against beasts of prey, and of the instruments required for providing these materials and weapons. It is true, also, that this dawning fact of ownership expresses something more than a mere condition precedent to material progress, though the fact owes its most conspicuous development to the obvious convenience of enforcing and extending proprietary claims in such a way as to encourage agriculture by cherishing a habit of reliance on the future fruits of present labor; to favour the division of labour; and to promote the practices of self-restraint, of saving, and of continuous accumulation, apart from which industry and commerce could never advance beyond an embryonic stage. The fact of ownership, however, beyond all this, has its exact correlative in the dignity and independence of the human spirit itself. It represents and enforces by an objective symbolism in the world without the true relation in which man ever stands to his fellows; at every moment of his career he is called upon to abstain from intruding upon the realm of unfettered action within which each one of his fellows moves at large. Each of these, also, is called by an equally peremptory mandate to display the like abstinence in respect of him. The physical objects around, the soil, the streams, the products of the mines, the beasts of the field, and especially all things wrought or changed by human hands present the earliest, and at one epoch, the only materials on behalf of which the competitive and endless spiritual struggle ceaselessly rages. It is only at the last climax of civilization that the truth begins to be apprehended, that the only justification of proprietary claim is a special call to a more devoted and concentrated service on behalf of those who do not share in it. Between this last and the primitive epoch mankind passes with respect to the fact of ownership through all the vicissitudes of (1) simple occupation, (2) rude rivalry, (3) tolerated privilege, (4) selfish absorption, (5) sharp legal distribution, (6) revolutionary communism, terminating finally in the last stage of, (7) appropriation recognized solely as a trust for humanity.

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The kind of physical appropriation of which a thing is susceptible depends on the constitution and qualities of the thing itself. Things differ from each other in size, durability, mobility, chemical and mechanical structure, as well as in the amount of demand for them arising from the greater or less quantity of them that is present, or from their greater or less serviceableness for the purposes of human life.

..... 1. "*Natural*" agents as opposed to all other things. As ownership implies the use of some things by one or more persons to the exclusion of all other persons, where a thing habitually exists in such superabundant quantity as to satisfy the utmost possible demands of every person in the community, there is in the case of that thing no occasion for ownership. Thus, it is customary to say that air, light, and the water of the sea are generally not capable of being owned. Particular circumstances, however, may limit the abundance and the unlimited supply of any of these things, and the dense and struggling life of modern cities or the artificial relations of modern states notoriously impart to every one of them in some of their forms a capacity of being owned. For instance, air combined with combustible compounds taking the form of what is called gas; air and light, regarded as essentials to the complete enjoyment of other things, and capable of being obstructed by the interposition of other things; waters of the sea mainly enclosed by the territory of a state, or within a definite distance of the shore bordering such territory,—all give rise to rights, duties and remedies of exactly the same nature as do things indisputably capable of strict legal appropriation. The true mode of distinguishing things capable of ownership from all other things, is to ascertain whether or not any benefit can be conferred by law upon individual persons employing them for some purpose or other, by protecting them against the interference of other persons. It is of no consequence to the jurist what the purpose is, however relevant this may be to the legislator as a guide to the kind of laws he shall make. It is of no consequence what are the kinds of remedies which the legislator shall invent in order to guard the free and undisturbed employment of these things. Accident, no doubt, will, from time to time, as in the case of certain animals, of mineral products, and of other heterogeneous classes of objects capriciously determine their capability of appropriation; but the above principle will always reassert itself, and this is the only principle which it is possible here to accept as a permanent and efficacious test.

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The very earliest things owned must have been things that could easily be carried from place to place; such as food, arms, dress ornaments and rough implements of husbandry. It would appear, however, that in the chief communities to which research has been hitherto extended the first existence of true laws of ownership is associated with what may be called the systematization of Family life and with the stability of an agricultural state of society. It is only at a far later stage that the individual citizen disengages himself from the family group, and becomes, for the purpose of being invested with and protected in the enjoyment of rights of ownership, as well as for other purposes, the immediate object of the attention of the legislator.

VATTTEL, *Law of Nations*, 7th Amer. ed. 1849, sec. 86, p. 37.

§ 86. Nations are obliged to cultivate the home trade,—first, because it is clearly demonstrated from the law of nature, that mankind ought mutually to assist each other, and as far as in their power, contribute to the perfection and happiness of their fellow-creatures; whence arises, after the introduction of private property, the obligation to resign to others, at a fair price, those things which they have occasion for, and which we do not destine for our own use. Secondly, society being established with the view that each may procure whatever things are necessary to his own perfection and happiness—and a home trade being the means of obtaining them—the obligations to carry on and improve this trade are derived from the very compact on which the society was formed. Finally, being advantageous to the nation, it is a duty the people owe to themselves, to make this commerce flourish.

§ 87. For the same reason, drawn from the welfare of the state, and also to procure for the citizens everything they want, a nation is obliged to promote and carry on a foreign trade. Of all the modern states, England is most distinguished in this respect. The parliament have their eyes constantly fixed on this important object; they effectually protect the navigation of the merchants, and, by considerable bounties, favor the exportation of superfluous commodities and merchandises. In a very sensible production¹ may be seen the valuable advantages that kingdom has derived from such judicious regulations.

§ 88. Let us now see what are the laws of nature and the rights of nations in respect to the commerce they carry on with each other. Men are obliged mutually to assist each other as much as possible, and to contribute to the perfection and happiness of their fellow-creatures; whence it follows, as we have said above, that after the introduction of private property, it became a duty to sell to each other at a fair price what the possessor himself has no occasion for, and what is necessary to others; because, since that introduction of private property, no one can, by any other means, procure the different things that may be necessary or useful to him, and calculated to render life pleasant and agreeable. Nor, since right springs from obligation, the obligation which we have just established gives every man the right of procuring the things he wants, by purchasing them at a reasonable price from those who have themselves no occasion for them.

We have also seen that men could not free themselves from the authority of the laws of nature by uniting in civil society, and that the whole nation remains equally subject to those laws in its national capacity; so that the natural and necessary law of nations is no other than the law of nature properly applied to nations or sovereign states, from all which it follows that a nation has a right to procure, at an equitable price, whatever articles it wants, by purchasing them of other nations who have no occasion for them. This is the foundation of the right of commerce between different nations, and in particular, of the right of buying.

SERGEANT STEPHEN'S *New Commentaries on the Laws of England*. Vol. I, Bk. II, pp. 159–165, 6th ed. 1868.

In the beginning of the world, as we are informed by the Holy Writ, the All Bountiful Creator gave to man “dominion over all the earth; and over the fish of the sea, and over the fowls of the air. and over every living thing that moveth upon the earth”.

¹ Remarks on the Advantages and Disadvantages of France and Great Britain with respect to Commerce. *Digitized by Google*

Hence the earth and all things therein are the general property of all mankind, exclusive of other beings, from the immediate gift of the Creator. And while the earth continued bare of inhabitants, it is reasonable to suppose that all was in common among them, and that every one took from the public stock, to his own use, such things as his immediate necessities required.

These general notions of property were then sufficient to answer all the purposes of human life; and might perhaps still have answered them, had it been possible for mankind to have remained in a state of primeval simplicity: as may be collected from the manners of many American nations when first discovered by the Europeans; and from the ancient method of living among the first Europeans themselves, if we may credit either the memorials of them preserved in the golden age of the poets, or the uniform accounts given by historians of those times, wherein *erant omnia communia et indivisa omnibus, veluti unum cunctis patrimonium esset*¹. Not that this communion of goods seems ever to have been applicable, even in the earliest ages, to aught but the *substance* of the thing; nor could it be extended to the *use* of it. For, by the law of nature and reason, he who first began to use it, acquired therein a kind of transient property, that lasted so long as he was using it, and no longer; or to speak with greater precision, the *right* of possession continued for the same time only that the act of possession lasted². Thus the ground was in common, and no part of it was the permanent property of any man in particular; yet whoever was in the occupation of any determined spot of it—for rest, for shade, or the like,—acquired for the time a sort of ownership, from which it would have been unjust and contrary to the law of nature, to have driven him by force: but the instant that he quitted the use or occupation of it another might seize it without injustice. Thus also a vine or other tree might be said to be in common, as all men were equally entitled to its produce; and yet any private individual might gain the sole property of the fruit which he had gathered for his own repast. A doctrine well illustrated by Cicero, who compares the world to a great theatre, which is common to the public, and yet the place which any man has taken is, for the time, his own.³

“But when mankind increased in number, craft, and ambition, it became necessary to entertain conceptions of more permanent dominion, and to appropriate to individuals not the immediate *use* only, but the very *substance* of the thing to be used. Otherwise innumerable tumults must have arisen, and the good order of the world been continually broken and disturbed, while a variety of persons were striving who should get the first occupation of the same thing, or disputing which of them had actually gained it. As human life also grew more and more refined, abundance of conveniences were devised to render it more easy, commodious and agreeable; as habitations for shelter and safety, and raiment for warmth and decency. But no man would be at the trouble to provide either so long as he had only an usufructuary property in them which was to cease the instant that he quitted possession; if, as soon as he walked out of his tent, or pulled off his garment, the next stranger who came by would have a right to inhabit the one and to wear the other. In the case of habitations in particular, it was natural to observe, that even the brute creation to whom everything else was in common, maintained a kind of permanent property in their

¹ Justin, I, 48, c. I.

² Barbeyr. Puff. l. 4. c. 4.

³ Quemadmodum theatrum cum commune sit, recte tamen dici potest, ejus esse eum locum quem quisque occuparit. De Fin. 13, c. 20.

dwellings, especially for the protection of their young; that the birds of the air had nests, and the beasts of the field had caverns, the invasion of which they esteemed a very flagrant injustice, and would sacrifice their lives to preserve them. Hence a property was soon established in every man's house and homestall; which seem to have been originally mere temporary huts or movable cabins, suited to the design of Providence for more speedily peopling the earth, and suited to the wandering life of their owners, before any extensive property in the soil or ground was established. And there can be no doubt but that movables of every kind became sooner appropriated than the permanent substantial soil; partly because they were more susceptible of a long occupancy, which might be continued for months together without any sensible interruption, and at length by usage ripen into an established right; but principally because few of them could be fit for use till improved and meliorated by the bodily labour of the occupant; which bodily labour, bestowed upon any subject which before lay in common to all men, is universally allowed to strengthen very materially, the title that mere occupancy gives to an exclusive property therein.

The article of food was a more immediate call, and therefore a more early consideration. Such as were not contented with the spontaneous product of the earth, sought for more solid refreshment in the flesh of beasts, which they obtained by hunting. But the frequent disappointments incident to that method of provision induced them to gather together such animals as were of a more tame and sequacious nature; and to establish a permanent property in their flocks and herds, in order to sustain themselves in a less precarious manner, partly by the milk of the dams, and partly by the flesh of the young. The support of these their cattle made the article of *water* also a very important point. And therefore the Book of Genesis (the most venerable monument of antiquity, considered merely with a view to history) will furnish us with frequent instances of violent contentions concerning wells, the exclusive property of which appears to have been established in the first digger or occupant, even in such places where the ground and herbage remained yet in common. Thus we find Abraham, who was but a sojourner, asserting his right to a well in the country of Abimelech and exacting an oath for his security, "because he had digged that well¹". And Isaac, about ninety years afterwards, reclaimed this, his father's property, and after much contention with the Philistines, was suffered to enjoy it in peace².

All this time the soil and pasture of the earth remained still in common as before, and open to every occupant; except perhaps in the neighbourhood of towns, where the necessity of a sole and exclusive property in lands (for the sake of agriculture) was earlier felt, and therefore more readily complied with. Otherwise, when the multitude of men and cattle had consumed every convenience on one spot of ground, it was deemed a natural right to seize upon and occupy such other lands as would more easily supply their necessities. This practice is still retained among the wild and uncultivated nations that have never been formed into civil states, like the Tartars and others in the east; where the climate itself and the boundless extent of their territory conspire to retain them still in the same savage state of vagrant liberty, which was universal in the earliest ages; and which, Tacitus informs us, continued among the Germans till the decline of the Roman

¹Genesis, xxi, 30.

²Genesis, xxvi, 15, 18, etc.

Empire¹. We have also a striking example of the same kind in the history Abraham and his nephew Lot². When their joint substance became so great that pasture and other conveniences grew scarce, the natural consequence was that a strife arose between their servants; so that it was no longer practicable to dwell together. This contention Abraham thus endeavored to compose: "Let there be no strife, I pray thee, between, thee and me. Is not the whole land before thee? Separate thyself, I pray thee, from me. If thou will take the left hand, then I will go to the right; or if thou depart to the right hand, then I will go to the left". This plainly implies an acknowledged right in either to occupy whatever ground he pleased that was not preoccupied by other tribes. "And Lot lifted up his eyes and beheld all the plain of Jordan, that it was well watered every where, even as the garden of the Lord. Then Lot chose him all the plain of Jordan, and journeyed east; and Abraham dwelt in the land of Canaan".

Upon the same principle was founded the right of migration, or sending colonies to find out new habitations, when the mother country was over charged with inhabitants, which was practiced as well by the Phenicians and Greeks, as the Germans, Scythians and other northern people. And so long as it was confined to the stocking and cultivation of desert, uninhabited countries, it kept strictly within the limits of the law of nature. But how far the seizing on countries already peopled, and driving out or massacring the innocent and defenceless natives, merely because they differed from their invaders in language, in religion, in customs, in government or in colour; how far such a conduct was consonant to nature, to reason or to Christianity, deserved well to be considered by those who have rendered their names immortal by thus civilizing mankind.

As the world by degrees grew more populous, it daily became more difficult to find out new spots to inhabit, without encroaching upon former occupants; and by constantly occupying the same individual spot, the fruits of the earth were consumed, and its spontaneous produce destroyed, without any provision for a future supply or succession. It therefore became necessary to pursue some regular method of providing a constant subsistence; and this necessity produced, or at least promoted and encouraged, the art of agriculture. And the art of agriculture, by a regular connection and consequence, introduced and established the idea of a more permanent property in the soil than had hitherto been received and adopted. It was clear that the earth would not produce her fruits in sufficient quantities without the assistance of tillage; but who would be at the pains of tilling it if another might watch an opportunity to seize upon and enjoy the product of his industry, art and labour? Had not, therefore, a separate property in lands as well as movables been vested in some individuals, the world must have continued a forest, and men have been mere animals of prey; which, according to some philosophers, is the genuine state of nature. Whereas now (so graciously has Providence interwoven our duty and our happiness together,) the result of this very necessity has been the eunobling of the human species, by giving it opportunities of improving its *rational* faculties, as well as of exerting its *natural*. Necessity begat property; and in order to ensure that property, recourse was had to civil society, which brought along with it a long train of inseparable concomitants; states, governments, laws, punish-

¹ "Colunt discreti et diversi; ut fons, ut campus, ut nemus, placuit." De Mor. Ger. 16.

² Genesis, c XIII.

ments, and the public exercise of religious duties. Thus connected together it was found that a part only of society was sufficient to provide, by their manual labour, for the necessary subsistence of all; and leisure was given to others to cultivate the human mind, to invent useful arts, and to lay the foundations of science.

Page 352.

Both Grotius and Puffendorf deduce the appropriation of things, which must have been originally common to all men, from the very constitution and organic laws and necessities of the social state; and such appropriation is, as we have already observed, necessary not only for the use and enjoyment of things, but for the peace of society and the very existence of arts, agriculture and every branch of industry. But it follows from these very principles, that things the exclusive appropriation of which either to a portion of mankind or to certain individuals, or exclusive purposes, is unnecessary for the objects of the social state and the purposes above referred to, must remain by natural law common to all men, as they are evidently intended to be. Thus light and air cannot be brought into the exclusive power of any one person, for their use is common to all and *no kind of exclusive appropriation is requisite* for their full enjoyment. They are, therefore, not divided among a number of owners as other things are. On the same principles the Roman law holds running water to be common to all men. But this decision does not apply to waters the exclusive appropriation of which is necessary for certain purposes, such as water inclosed in a pipe or vessel for some particular use. The common right to running water, therefore, exists only in those cases where the quantity of water is so great that its entire exclusive appropriation is not necessary, having regard for the general objects of the institution of property. In such cases as these, to prevent any man from using and appropriating to himself portions of the water without injuring the common right and enjoyment of others, would be contrary to natural law.

WORKS OF THE HON. JAMES WILSON, Associate Justice of the United States Supreme Court. Vol. III, p. 194, Philadelphia.

The right of separate property seems to be founded in the nature of men and things; and when societies become numerous, the establishment of that right is highly important to the existence, to the tranquillity, to the elegancies, to the refinements, and to some of the virtues of civilized life.

Man is intended for action. Useful and skilful industry is the soul of an active life. But industry should have her just reward. That reward is property; for of useful and active industry, property is the natural result.

Exclusive property multiplies the productions of the earth, and the means of subsistence. Who would cultivate the soil and sow the grain if he had no peculiar interest in the harvest? Who would rear and tend flocks and herds if they were to be taken from him by the first person who should come to demand them?

By exclusive property the productions of the earth and the means of subsistence are secured and preserved, as well as multiplied. What belongs to no one is wasted by every one. What belongs to one man in particular is the object of his economy and care.

Exclusive property prevents disorder, and promotes peace. Without its establishment the tranquillity of society would be perpetually

disturbed by fierce and ungovernable competitions for the possession and enjoyment of things, insufficient to satisfy all and by no rules of adjustment distributed to each.

The conveniences of life depend much on an exclusive property. The full effects of industry cannot be obtained without distinct professions and the division of labour. But labour cannot be divided, nor can distinct professions be pursued, unless the productions of one profession and of one kind of labor can be exchanged for those of another. This exchange implies a separate property in those who make it.

The observations concerning the conveniences of life may be applied with equal justness to its elegancies and its refinements.

On property some of the virtues depend for their more free and enlarged exercise. Would the same room be left for the benign indulgence of generosity and beneficence,—would the same room be left for the becoming returns of esteem and gratitude,—would the same room be left for the endearing interchange of good offices in the various institutions and relations of social life, if the goods of fortune lay in a mass, confused and unappropriated?

For these reasons, the establishment of exclusive property may justly be considered as essential to the interests of civilized society. With regard to land in particular, a separate and exclusive property in it is a principal source of attachment to the country in which one resides. A person becomes very unwilling to relinquish those well known fields of his own, which it has been the great object of his industry, and, perhaps of his pride, to cultivate and adorn. This attachment to private landed property has, in some parts of the globe, covered barren heaths and inhospitable mountains with fair cities and villages; while, in other parts, the most inviting climates and soils remain destitute of inhabitants, because the rights of private property in land are not established or regarded.

REV. PÈRE TAPARELLI D'AZEGLIO, of the Society of Jesus. *Essai Théorique de Droit Naturel, basé sur les Faits.* Translated from the Italian, with the approval of the author, 2d ed. vol. I, sec. 411, p. 166.

I remarked just now that the hypothesis of an original distribution is false, at least in the sense which is usually given to this expression, which seems to indicate that the ownership of immovable property owes its origin to a social contract. Now, we have just shown that this ownership is a necessary consequence of the multiplication of the human race and of a law peculiar to human nature; under the sway of this law the right of property is formed of itself, and that, too, quite naturally; and, to go back to its origin, we in no wise need have recourse to voluntary and free agreements. The successive development of the ownership of immovable property may be studied in Roman usage. (*De opificio sex dierum*, Book 5, chap. 7, section 17); suffice it for us to remark (and this experience renders evident,) that labor and cultivation are necessary to cause the earth to bring forth fruit for the use of man. Build a hut, dig a well, plant a hedge around a piece of land: the soil will have received a durable amelioration, which is your act, and which gives you the right to prevent all others from appropriating it. Thus the right of ownership, the right to exclude all others from your property, is the outgrowth of itself without any agreement; it is the only rational way of explaining the original distribution of property,

that is to say, that first development of ownership, which is successively extended by occupation and by the clearing and cultivation of new land, which development is always proportionate to the numerical development of the human race.

VON ADOLF LASSEN, *System der Rechtsphilosophie*. Berlin, 1882.

Section 10 (page 603).—The formation of property in land is very closely connected with the economic development of man. A condition of landed property, properly so called, in general, is the stationary character of men. As long as cattle-raising is mainly carried on, land will be held mainly in common, and may continue to be so held as long as agriculture is carried on by means of the simplest processes. When everything depends upon the care, prudence, industry, and the appliances for tilling the soil of each individual, the possession of land in common is opposed to common sense, and is impossible. Increasing density of population, improved methods of cultivation, development of free property in movable possessions, the use of money, trade and industry, compel property in land to assume, with more or less uniformity, those forms of property which have become customary for movable possessions. There is historical progress everywhere, as a consequence, from collective to individual property, from public to private economy. Nevertheless, we must not overlook the fact that in individual matters, and for special objects of property, the transition from private to public management may become necessary, and that there are objects which are, in general, necessary, or which may be better left to the ownership and management of the State and of the community. The formation of jurisprudence (Rechtsbildung) has, in this field, motives which are radically different, and lead to different results, for constantly reconciling what is just and what is expedient, what is conducive to private welfare and to the prosperity of the whole, the interest of personal liberty and economic interest. It is true that what is just and what is beneficial agree, as a general thing, here also. It is most desirable, in both points of view, that every one should have an unrestricted right of property in that which he independently produces, that only that should be, in common property, the object of common management, which, according to regulation and established precept, may be worked without any great interference with individual selection and free enterprise; or that which (such as public roads, or property in mines and forests) cannot, in the interest of future generations, as well as of those now living, be unconditionally exposed to the influence of private discretion. That a person who does not manage the object himself should be its owner, is not to be avoided as an exception, but is pernicious when taken as a rule. The apparent economic advantages of management in common: the systematization and organization of labor, in which the opposition of those forces which should co-operate with each other is avoided; the regulation of both production and consumption by a controlling will: all this, in the system of separate management, is fully counterbalanced by the increased power of personal initiative, by the multiplied motives for labor, by the strong impulses for the development of all gifts and capacities of personality, by the more severe compulsion and the greater interest in one's own property, that a man has himself earned, himself possesses, himself enjoys, and that he may transfer to his family, and leave it to them at his death. That the right of property, even in immovable things, be endowed with very rich contents, that requires the idea of personality, which has, in

things, the means for their general development. Common property never has such rich contents; it is never free, full property, because the purposes for which it is used are fixed by the laws of common interest; therefore, according to the idea of right (law) only *that* is to be held as common property which can not without danger, be entrusted to individuals; it is consequently a minimum with limits that are removable according to the degree of improvement in cultivation and the development of personality. The tendency to diminish the extension of individual property and individual management as far as possible, in order to make all possible room for common property and common management, is in contravention of all right (law) and contributes toward making the institution of the penitentiary the normal institution for the whole machinery of human society.

II. The ways in which property is earned, and the conditions on which property is recognized, are defined by law for the most part in accordance with the principles of justice. The first principle is that each one is to keep what he has, until a sufficient reason for a change can be shown. Thus all right of property is based upon the fiction of a primitive condition in which there is mere possession, which is afterwards endowed by law with protection and ideal power. The division or distribution of empirical possession, which is recognized as legal, and is converted into intelligible property, can be based, as an original fact, only upon the will of each individual or of the community, always only upon the will of him who has taken possession of the things according to his own good pleasure, who has *occupied* them. Occupation is thus the last basis and point of departure, that of possession which receives property-protection from law. This original occupation is conceived of as taking place in a condition in which no law prevails, such as in war, and after conquest by entire hordes and tribes. Ideally, a line is drawn. Beyond that line there is freedom of occupation, while on this side of it there is protection for every one in what he has occupied; beyond it there is violence and craft, while on this side of it there is respect for the rights of others. The *communio primæva* (primeval community of goods) which is conceived of as existing in the imaginary condition, is nothing but this indefinite possibility of occupation by each one without regard to the rights of others, which as yet does not exist. Only when a legal condition of things begins to exist is the requirement made that all transfers of property shall take place in a legal manner, and that property shall be acquired and lost only in the ways that are expressly prescribed by law, which are made to conform, as far as possible, to justice. The occupation, the mere appropriation of things at will, is thus greatly restricted. For most things have their owners, whose rights are protected; but for that which as yet has no owner the State prescribes the conditions of an occupation that will be recognized by it. The State reasonably claims the ownership of what has no owner, because no one has a better right than it has, and it leaves a conditional possibility to others on the ground of expediency only. The basis of property by occupation, since it clashes with no rights of others, is, in itself, easily understood. With property in the substance of the thing, property is also given in that which belongs as an appendage to the substance, in the fruit and in the increase, and in that which is connected with the substance. Ideally more pregnant and in the legal condition more influential is, however, the second kind of acquisition of property, viz., specification. Any one who has formed a substance by his labor, and has thereby produced new property and new value, which also, as the fruit of the thing, may be the result of

the labor, is entitled to the ownership of this new value. The reason thereof lies chiefly in that which is common to specification and to occupation; it is evident that no one has a right to the new value, especially a better right than the producer. What is essential, however, is the positivity which specification has over and above occupation, the personal merit which the producer has gained for himself by originating a new good, for which the property therein acquired is his just reward. It is to be carefully observed, however, that labor, as such, is not a basis of property; the *norma juris* (*Rechtsordnung*) alone can distribute property. When, however, a *norma juris* and the institution of property coexist, it is both right and expedient that a *norma juris* should give to labor the possibility of becoming the basis of the acquisition of property. Only, in order to distribute the reward aright, it is necessary accurately to find out the place where the merit is to be found. External perceptible labor in physical matter has, in most cases, the least merit and the smallest part in the production of the new value; greatly preponderating is the merit in him who, by command and direction, by foresight and genius, by giving auxiliary means and by ingenuity, leads the forces of others to the goal, and assures the success of bodily exertion.

COQUELIN ET GUILLAUMIN. *Dictionnaire de l'économie politique*, vol. IV, p. 463 et seq., Paris, 1853.

Ownership has shared in the general progress of civilization. At the same time it has followed a law of development which was peculiar. It has advanced like liberty, like industry and like the Arts in the world... Ownership exists among the pastoral people as well as among the nations which have come to the highest point of agricultural wealth and industry; but it exists in other conditions. The occupation of the soil began by being annual before it was for life, and it had been for life in the person of the tenant before becoming hereditary and in a way perpetual. It had belonged to the tribe before becoming the property of the family, and it had been the common possession of the family before taking on the individual character. The poets, who are the first historians, witness this gradual transformation of inheritances...

Ownership, in undergoing evolutions analogous to those of liberty, spread out, and increased, and has, so to speak, pervaded space. At the beginning of civilization man possessed scarcely anything—some herds, some rude utensils, scarcely a corner of earth which produced grain in the midst of a deserted steppe. He brought into use almost none of the natural agents. The agricultural people who succeeded the pastoral tribes soon had tenfold and a hundredfold the possessions which then attached to the surface of the globe. But it belonged only to the skilful nations to carry industry and commerce to their highest development. As the earth becomes individualized, and as each parcel falls into the possession of an owner who enriches it with his capital and labor, those who find themselves outside this division of the soil, are not on that account excluded from property.

WILLIAM ROSCHER, *Property. Principles of Political Economy*. Translated by J. J. LALOE from the 13th German Ed., Bk. I., Vol. I, ch. I, sec. 33, p. 126. Chicago, 1882.

Those gifts of external nature which may become objects of private property and at the same time possess sufficient relative scarcity to give them value in exchange are either movable and exhaustible in a

given place, or firmly connected with the land. The first category embraces, for instance, such wild animals and plants as serve some useful purpose. Minerals...

And again, vol. I, Bk. I, ch. v, p. 235, sec. 77, he says:

As human labour can attain its full development only on the supposition that personal freedom is allowed to develop to its full economic importance and dimensions. So capital can develop its full productive power only on the supposition of the existence of the freedom of personal property. Who would save anything, that is, give up present enjoyment, if he were not certain of future enjoyment? The legitimacy of private property has, since the time of Locke, been based by the greater number of political economists on the right inherent in every workman either to consume or to save the products of his labour.

And again, Bk. I, ch. v, sec. 83, p. 253 et seq.

Experience, however, teaches us that in all the lower stages of civilization a community of goods exists to a greater or lesser extent. The institution of private property has been more fully evolved out of this condition of things only in proportion as well-being and culture have been developed as cause and effect of such well-being. Thus, among most nations of hunters and fishermen, the idea of private property was unknown when these nations were first discovered.

Page 263, vol. I, sec. 87.

But a certain expenditure of capital and labour is necessary that land may be used productively, and in most instances this employment of capital and labour is of long duration, irrevocable in the very nature of things, and one the fruits of which can be reaped only after some time has elapsed. Now this cooperation of capital and labour is such, that no one would undertake to employ them in the cultivation of the land had he not the strongest assurance of possessing it. Hence agriculture in its most rudimentary stage supposes ownership of the land, at least from the time that it is "tickled with the hoe" until "it smiles with the harvest" ... the more, afterwards population and civilization increase, the more products must be wrung from the soil. But this can be accomplished only by means of its more intensive cultivation, by lavishing a greater amount of capital and labour on it, and as a rule by extending the circle of agricultural operations by means of combinations more and more artificial. Hence the progress of civilization demands an ever increasing fixity and a more pronounced shaping of landed property.

L. B. HAUTEFEUILLE, *The Rights and Duties of neutral Nations in time of maritime War.* Vol. I, p. 176, ed. 1848.

When men had become more numerous, families developed into colonies and into tribes, new needs grew out of their industry and that tendency to well-being and improvement—distinctive characteristics of the Master of Nature. Thus the right of property expanded. It was applied at first to movable objects, such as weapons for the chase, utensils necessary for the preparation of foods, etc., which were no doubt the first objects subject to this right. The progress of the human race drew after it the development of the right of property; which from simple and indispensable utensils extended even over the soil itself.

Although nothing is able to establish it, it is permitted to think that the necessity of constructing for oneself a shelter against the inclemency of the seasons, the discovery and progress of agriculture, were if not the only causes, at least the principal ones of the establishment of ownership in immovable property. In fact, the man who had placed his cabin upon a corner of earth of his choice, the cultivator who had fertilized a field by his labor, must have regarded this part of the earth as his own property, to prevent all others from entering and enjoying it. Such, in my eyes is the true origin of property.

Sec. II. Characteristics essential to Property:

Property, as respects the natural primitive right, for I do not occupy myself with civil institutions, ought to unite three essential characteristics:

1. Exclusive possession, and in consequence, the power to dispose according to his taste, to use, and even to abuse it;
2. The right of excluding all others from the enjoyment of the object possessed;
3. The necessity of excluding them, in order to be able to enjoy the possession and to draw from it all the advantages which it promises.

TOULLIER, French Civil Law. Fifth edition, Paris, 1842, vol. III, title II, ch. I, sec. 1, p. 40 to 47.

SUMMARY.—Sec. 64. Origin of property; negative community.—Sec. 65. Right of the first occupant which ceases with occupation.—Sec. 66. Proof of the existence of negative community.—Sec. 67. A comparison by Cicero respecting this subject.—Sec. 68. Occupation rendered more stable by agriculture.—Sec. 69. Whence results habitual occupation which preserves possession solely by extension.—Sec. 70. The field which ceased to be cultivated became vacant.—Sec. 71. Civil laws finally made property permanent.—Sec. 72. By means of real action against the possessor of the thing.—Sec. 73. Distinctive character of property in the civil state.

Sec. 64. If the laws attached to property and those which are derived from it are now very extensive it was not thus originally. Property was confounded with possession and it was lost with it.

Before foundation of the civil state, the earth was no one's, the fruits belonged to the first occupant. The men that were distributed over the globe lived in a state which the writers who have written on natural law have termed negative community, in distinction from positive community in which several associates held in common ownership an indivisible thing belonging to each in a certain portion.

Negative community, on the contrary, consisted in that the thing common to all did not belong more to each one of them in particular than to the other and in that no one could prevent another taking that which he considered proper to make use of in his needs.

Thus this doctrinal expression of negative community signifies nothing else but the primitive and determinate right (*droit*) that all men had originally to make use of the goods which the earth offered, so long as no one had yet taken possession of them.

Sec. 65. It is this which is termed the right of the first occupant. He who first possesses himself of a thing acquires over it a kind of transient ownership, or, to speak more exactly, a right of preference which others should respect. They should leave that thing to him while he possesses it; but after he had ceased to make use of it or to occupy it, another in his turn might make use of it or occupy it.

If the older possessor had invoked his past possession as a right of preference still existing, the younger could be able to answer by his present possession; and when, furthermore, rights are equal on both

sides, it is just and natural that the actual possessor should be preferred, for to take possession away from him there should be a stronger right than his own.

Thus the right of occupation is a title of legitimate preference founded on nature.

Sec. 66. The existence of this primitive state of negative community is incontestable; proofs of the same are found in Genesis, the most ancient of all books, and the most venerable even when considering it only from an historical point of view¹. The poets, in picturing the golden age, have left us ornamented but inaccurate works. The ancient historians have transmitted to us tradition; and, finally, examples thereof were found again in the habits of the savage tribes of America when that continent was discovered.

Sec. 67. Thus, following a comparison of Cicero, the world was like a vast theatre belonging to the public, of which each seat became the property of the first occupant as long as it suited him to remain therein, but which he could not prevent another from occupying after he had left it.

Sec. 68. But how could this preference, acquired by occupation, have become a stable and permanent ownership, that would continue to subsist and could be reclaimed after the first occupant had ceased to be in possession?

It was agriculture that gave birth to the idea of and made felt the necessity for permanent property. In measure as the number of men increased, it became more difficult to find new uninhabited lands; and on the other hand continued habitation of the same place engendered a too rapid consumption of the natural fruits of the earth for them to suffice for the subsistence of all the inhabitants and of their flocks, without changing locality or without providing therefor by cultivation in a constant and regular manner.

Thus agriculture was the natural result of the increase of the human species; agriculture in turn favored population, and rendered necessary the establishment of permanent property. For who would give himself the trouble to labor and to sow if he had not the certainty of reaping?

The field that I have cleared and sown should belong to me, at least until I have gathered the fruits that my labor has produced. I have the right to employ force to repulse the unjust person who would wish to dispossess me of it, and to drive away him who should have seized it during my absence. I am regarded as continuing to occupy the field from the first tilth to the harvest, though, in the interval, I do not perform each moment exterior acts of occupation or of possession, because one cannot suppose that I have cleared, cultivated and sown without intention to reap.

Sec. 69. This habitual occupation, which results from cultivation, preserves therefore the right of preference which I had acquired by first occupation. It is this habitual occupation which civil law (*le Droit Civil*) extended and applied as a means to preserve possession, in establishing as maxim that possession is preserved by sole intention, *nudo animo*.

Cultivation forms a stronger and more lasting tie than single occupation; it gives a perfect right to the harvest. But how maintain a right (*Droit*) other than by doubtful contest, before the foundation of the civil state?

Sec. 70. Moreover the right which cultivation gives and the effects of occupation which are derived therefrom, cease with the harvest, if

¹ Genesis I, 28 and 29.

there are no new acts of cultivation; for nothing would further indicate an intention to occupy. The field which would cease to be cultivated would again become vacant and subject to the right of the first occupant.

Agriculture alone, therefore, is not sufficient to establish permanent property; and since as before the invention and the usage of agriculture, property was acquired by occupation, was preserved by continued or habitual possession, and was lost with possession (*et se perdait avec la possession*), this principle is still followed in regard to things which have remained in the primitive state or negative community, such as savage animals.

Sec. 74. In order to give to property a nature of stability which we observe in it today, positive laws and magistrates to execute them were necessary, in other words, the civil state was required.

The increase of the human species had rendered agriculture necessary; the need to assure to the cultivator the fruits of his labor made felt the necessity of permanent property and of laws to protect it. Thus, it is to property that we owe the foundation of the civil state. Without the tie of property it would never have been possible to subject man to the salutary yoke of the law; and without permanent property the earth would have continued to remain a vast forest.

Let us say, therefore, with the most exact writers, that if transient ownership (*la propriété passagère*), or the right of preference which occupation gives, is anterior to the foundation of civil society, permanent ownership (*propriété permanente*) as we know it today is the work of civil law.

It is civil law which has established as a maxim that once acquired property is never lost without the act of the owner, and that it is preserved even after the owner has lost possession or detention of the thing, and when it is in the hands of a third party.

Thus property and possession, which in the primitive state were confounded, became by the civil law two distinct and independent things; two things which, according to the language of the laws, have nothing in common between them. Property is a right, a legal attribute (*faculté*); possession is a fact.

It is seen by this what prodigious changes have been wrought in property, and how much civil laws have changed its nature.

Sec. 72. This change was effected by means of a real action that the laws granted against the possessor whoever he might be, to compel him to surrender the thing to the owner who had lost possession thereof. This action was granted to the owner not alone against the possessor by bad faith, but also against the possessor by good faith, to whom the thing had come without fraud or without violence, without his being cognizant of the owner's rights, and even though he had acquired it from a third party by virtue of a legal title.

Sec. 73. Property was, therefore, considered a moral quality inherent in the thing, as a real tie which binds it to the owner, and which cannot be severed without an act of his.

This right of reclaiming a thing in whatever hands it is found, is that which forms the principal and distinctive characteristic of property in the civil state.

AHRENS, *Cours de droit naturel*, p. 297. Bruxelles, Meline et C^{ie}, 1844.

As in modern times work and industry have received greater appreciation, respect and protection, several authors have abandoned the ancient doctrine of occupation and have sought the basis and origin of

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property in labor, whereby the industry which an individual may have devoted to any object, and by which he has, as it were, impressed upon it the seal of his personality and transformed it and made it serve his wants.

This doctrine, which has also been called that of the appropriation of things by labor, is without doubt more reasonable than that of occupation. It releases the question of property from gratuitous hypotheses, from useless fictions of a primitive natural state and a subsequent agreement. Instead of making the creation of property depend upon a chance decision, it bases it, on the contrary, upon a stable fact upon which it rests always and everywhere, that is, the activity of man. Nevertheless, this doctrine does not yet present the real reason for the existence of property.

(The next few pages limit the proposition, but do not contradict it.)

EMILE DE LAVELEYE, *Of property and its Primitive forms.* Chap. XXVI, p. 381. Paris, 1877.

..... Another very general error is also that "property" is spoken of as if it were an institution having a fixed form and being always the same, while in reality it is clothed in most diverse forms, and is susceptible to very great unforeseen modifications.

PUFFENDORF, *The Law of Nature and Nations*, vol. II, Bk. IV, ch. v. sect. 6, and sec. 7, p. 368, ed. 1729. (English Trans.)

To proceed, man left this original negative communion, and by covenant settled distinct properties, not at the same time and by one single act, but by successive degrees; according as either the condition of things or the number and genius of men seemed to require. Thus, the Scythians of old appropriated only their cattle and the furniture of their houses, leaving their land in its primitive communion. Indeed, the peace and tranquillity of mankind, for which the law of nature appears especially concerned, gave no obscure intimation what would be most convenient for men to appoint in this affair.

For that each man should retain an equal power over all things, or that the universal provision should be laid in common ready for the promiscuous use of every person was not consistent with the safety and quiet of human race; especially after they were multiplied into considerable numbers, and had cultivated and improved the method of living; because there could not but arise almost infinite clashings from the desire of many persons to the same thing, which was not able to satisfy them all at once; it being the nature of the greater part of what the world affords to be incapable of serving more than one man at the same time. As for the precise order and the particular course of things passing into property, I conceive we may thus come to an apprehension of them. Most things of immediate use to men, and which are applied to the ends of nourishment and clothing, are not by bare unassisted Nature produced everywhere in so great abundance as to yield a plentiful supply to all. As often, therefore, as two or more should want the same thing, which could not content them altogether, and should endeavor to seize and secure it for themselves, so often there must arise a most probable occasion of quarrels and hostilities. Again, many things stand in need of human labour and culture, either for their production or to fit and prepare them for use. But here it was very inconvenient that a person who had taken no pains about a thing should have an equal right to it with another by whose industry it was either first raised or exactly wrought

and framed, to render it of further service. It was highly conducive, then, to the common peace that immediately upon the multiplication of mankind, property should be appointed in movable things, especially such as require the labour and improvement of men, and in those immovables which are of immediate and necessary use, as houses for instance; so that the substance of them should belong either separately to particular persons, or to such a number of men as had by peculiar covenant agreed to hold them in the way of positive communion. Further, although there appears some reason in these things why they should rather belong to some than to others, yet the Dominion or Property of them, such as implies the exclusion of all persons beside, was to be confirmed, at least by tacit compact.

VII. That the settling distinct properties turned to the real benefit and advantage of men, when grown more numerous, may be illustrated from the same arguments which Aristotle brings to overthrow the Platonic communion of goods. * * * Upon the introduction of property every one grows more industrious in improving his peculiar portion, and matter and occasion is supplied for the exercise of liberality and beneficence towards others.

PRADIER-FODÉRÉ, *Traité de Droit international public*, vol. IV. Paris, 1888. Pt. Second, Title, I. Ch. III. Paris, 1889, p. 22.

There is no need of insisting very much to prove that commerce is a necessity of the social state; that it is the result of obligations arising from fellowship. It has been for a long time a commonplace that the end of the human being is to live, not alone, but with his kind, in order to develop his intelligence, to extend his ideas, and to provide for his physical needs in giving his labor in exchange for what he lacks; that men cannot live without the reciprocity of their services more than without the means of satisfying their needs; that rich or poor, powerful or feeble, they are all more or less dependent upon one another; that it is a duty for social man to do everything which can contribute to assist and to extend fellowship, which is his end and his natural state. Now commerce being the principal means by which men can communicate with each other in fellowship, and transmit things necessary or agreeable to life, the philosophers deduce therefrom that it is the consequence of a natural obligation. But this obligation they do not consider as perfect,—that is to say, as accompanied with the right to constrain; for outside of every formal stipulation one cannot force anyone to sell what he has, or to buy what he has not.

TISS, *Law of Nations*, vol. I, sec. 144, p. 231. New Edition, 1884.

Sec. 144. The Roman Jurists regarded certain things as incapable by nature of being appropriated. “*Et quidem naturali Jure communia sunt omnium hæc, aer, aqua profluens, et mare, et per hoc littora maris*!” It is obvious that the air, running water, and the sea, are not susceptible of detention, and consequently cannot be physically reduced into possession, so as to give rise to that permanent relation, which is implied in the juridical notion of property. “Again Nature does not give to man a right of appropriating to himself things which may be innocently used, and which are inexhaustible and sufficient for all. For since those things, while common to all, are sufficient to supply the

¹Just. Inst. L. II. Tit. I. Sec. 1.

wants of each, whoever should, to the exclusion of all other participants, attempt to render himself sole proprietor of them, would unreasonably seek to wrest the bounteous gifts of Nature from the parties excluded¹. There is accordingly no warrant of Natural Law for an absolute Right of Property in the running water of rivers (*aqua perennis*) any more than in the tidal water of the sea. But if the free and common use of a thing of this nature (namely, which is of itself inexhaustible) be prejudicial or dangerous to a nation, the care of its own safety will entitle it so far, and so far only, to control the use of it by others, as to secure that no prejudice or danger result to itself from their use of it. A nation may accordingly have a *Right of Empire* over things which are, nevertheless, by nature *communis usus*, and over which it cannot acquire an absolute *Right of Property*; as, for instance, over portions of the high seas, or over rivers which form the boundary of its territory. The limits within which the safety of a nation warrants such an exercise of empire will be considered hereafter.

REDDIE: *Inquiries into International Law.* Pt. II. ch. V., sub sec. II., Art. 2, p. 207. 2d ed., 1851.

But the chief source of the intercourse of nations, in their individual capacity, is the exchange of commodities, of natural or artificial production. The territory of one state very rarely produces all that is requisite for the supply of the wants for the use and enjoyment of its inhabitants. To a certain extent, one state generally abounds in what others want. A mutual exchange of superfluous commodities is thus reciprocally advantageous for both nations. And, as it is a moral duty in individuals to promote the welfare of their neighbour, it appears to be also the moral duty of a nation not to refuse commerce with other nations, when that commerce is not hurtful to itself.

VATTEL, 7th Amer., Bk. II, ch. II., sec. 21, p. 142, ed. 1849.

Sec. 21. All men ought to find on earth the things they stand in need of. In the primitive state of communion, they took them wherever they happened to meet with them, if another had not before appropriated them to his own use. The introduction of dominion and property could not deprive men of so essential a right; and, consequently, it cannot take place without leaving them, in general, some means of procuring what is useful or necessary to them. This means is commerce; by it every man may still supply his wants. Things being now become property, there is no obtaining them without the owner's consent, nor are they usually to be had for nothing; but they may be bought, or exchanged for other things of equal value. *Men are, therefore, under an obligation to carry on that commerce with each other, if they wish not to deviate from the views of nature;* and this obligation extends also to *whole nations or states.* It is seldom that nature is seen in one place to produce everything necessary for the use of man; one country abounds in corn, another in pastures and cattle, a third in timber and metals, &c. If all those countries trade together, as is agreeable to human nature, no one of them will be without such things as are useful and necessary; and the views of nature, our common mother, will be fulfilled. Further, one country is fitter for some kind of products than for another, as, for instance, fitter for the vine than for tillage. If trade and barter take place, every nation, on the certainty of procuring what it wants, will employ its lands and its industry in the most advantage-

¹Vattel, L. I. Sec. 280.

ous manner, and mankind in general prove gainers by it. Such are the foundations of the general obligations incumbent on nations reciprocally to cultivate commerce.

P. PRADIER-FODÉRÉ, *Traité de Droit international public européen et américain, suivant les progrès de la science et de la pratique contemporaines*, vol. II, sec. 598, p. 131 et seq. Paris, 1885.

It is sufficient to consider the conditions of existence in human society in order to convince oneself that the right of property is the key-stone of the social edifice. Economists point out to us the idea of property or ownership, connected with the idea of wealth created by man applying his faculties to the production of those things which are calculated to meet the wants that are inherent in his nature, and that are not found in profusion, as air, light and water are. Philosophers teach us that the source of the right of property lies in that individual interest which takes care of the preservation of the individual and of his family, and which, maintained by respect for the interest of others, is the universal motor of mankind, and, by its multiplicity, forms the general or common interest, without excluding duty and sympathy, or the sentiment of humanity, which are also, to a certain extent, social bonds among men, and springs of action for them; hence the feeling and the need of property (ownership) are inherent in the nature of every human being. Historians remind us that men, by nature, live in families, or in collective or social groups, and that property is found, originally, among all tribes, *de facto* at first, and soon as an idea, more or less clear perhaps, but always invariably fixed. We everywhere see man appropriate all that he needs and what he produces, at first his bow and arrows, next his hut, and still later his house, his garden, his land, after he has abandoned a nomadic mode of life and become an agriculturist. As man becomes developed, he becomes more attached to what he possesses, and experiences greater need of security in the possession of what belongs to him. It is for the purpose of obtaining this security, as well as for that of satisfying his essentially social instincts, as Aristotle said, that he unites with his fellow-beings to form with them, obeying the impulse of special vocations and the determination of determinate circumstances, associations more or less considerable, communities and states.

These men, being thus united and grouped, place, of their own accord, a portion of their incomes in the common fund, and accept, or institute, or submit to from the authorities, powers and governments, from which they expect a guaranty of the ownership of the fruits of their labor, to which they give the force necessary to curb those passions which are inspired by cupidity and a desire for control, and the means of maintaining this force, together with the executive powers, the magistracies and other institutions required by their duties. Joseph Garnier, the economist, has drawn a graphic picture of social activity. "The necessity", says he, "to procure food and raiment, shelter, and the means of satisfying the other needs of life, gives rise to the cultivation of fields and to the working of mines and quarries, which occupies a portion of the population, while another portion cultivates the soil, and exchanges its labor and services with the first. It is aided in this exchange by a third portion of the population, which serves as an intermediary, busying itself, more particularly, with the conveyance, by means of transportation and exchange, of the agricultural productions and manufactured articles from the places of production to the hands of the consumers. Another large class of workers

engage in scientific pursuits, in teaching, literature, in governmental functions (judicial, military or administrative), in the healing art, in traveling, in the fine arts, etc., and render more or less indirectly, or with the aid of intermediaries, their services to agricultural productions or manufactured articles, which consist, to a great extent, of alimentary substances. What animates everybody, what stimulates the agriculturist, the extractor, the manufacturer, the merchant, the artist, the scientist, the contractor or the workman, is need, interest, liberty of action". (Joseph GARNIER, *Traité d'économie politique*, édition de 1873, Partie II, no. 70, p. 50.)

THEO. D. WOOLSEY, *Political Science*, vol. I, pp. 69-70. New-York, 1878.

2. How can the individual acquire property in material which is not his by expending labor upon it? Who gave him the right to take a portion of matter which is not his own, and cannot be his own because it is not the product of his labor? Or, if he is addicted to pastoral life, what right has he to appropriate sheep or cows at the first, or to claim any right in his flocks which have multiplied by the use of the soil and by a natural propagation which is not even the result of his direct labor? Will it be said that human beings must live, and in order that they may live must have control over the earth, over animals, and natural agents? Very true; but this necessity depends on a nature and destination of human beings which is the source of the right of labour as well as of other rights.

3. But in matter of fact, for all the higher uses of labor, for agriculture, for buildings, for ways of intercourse, the earth itself is material and is prepared for use like any other product. Land is cleared, fenced, broken up; seed is sown, crops are gathered; when the returns diminish, manures are saved and applied, houses are put up for the men and perhaps for the cattle. If the highest improvement and greatest multiplication of the human race depends on this kind of life, which makes all division of labour, and all city-life possible, here we have the destination of man; his highest culture pointing to a recognition of a right to do such things and to be sure of permanence in occupation, as well as of a right of transfer if the owner desires.

HENRY AHRENS, *Course of Natural Law*. Vol. II, Bk. I. Div. I. Sec. 2. Title 1, ch. III. Leipzig, 1875.

Sect. 64.—General Principles that Regulate the Right of Property in the interest of Society.

The definitions of the right (droit) of property given by positive laws generally concede to the owner the power to dispose of his object in an almost absolute manner, to use and abuse it, and even through caprice to destroy it¹; but this arbitrary power is not in keeping with natural law, and positive legislation obedient to the voice of common sense, and reason, in the interest of society, has been obliged itself to establish numerous restrictions, which examined from a philosophic

¹Roman law gave the owner the *jus utendi et abutendi*: after the Austrian Code (11, 2, Sec. 362), he has the power (faculté) to destroy arbitrarily that which belongs to him. The Code Napoléon, which defines property as "the right to enjoy and to dispose of things in the most absolute manner, provided no usage be made of them forbidden by the laws or by the regulations", interposed social interest by this restriction.

view of law, are the result of rational principles to which the right of property and its exercise is subjected.

The principles which govern socially the right (*droit*) of property relate to substance and to form.

As to substance, the following rules may be established:

I. *Property exists for a rational purpose and for a rational usage*; it is destined to satisfy the various needs of human life; consequently, *all abuse, all arbitrary destruction, are contrary to right* (*droit*) and should be prohibited by law (*loi*). But to avoid giving a false extension to this principle it is important to recall to mind that, according to personal rights, that which is committed within the sphere of private life and of that of the family, does not come under the application of public law. It is necessary, therefore, that the abuse be public in order that the law may reach it. It belongs to the legislation regulating the various kinds of agricultural, industrial, and commercial property, as well as to penal legislation, to determine the abuses which it is important to protect; and, in reality, legislation as well as police laws (*orders*,) have always specified a certain number of cases of abuses¹. Besides all abusive usage is hurtful to society, because it is for the public interest that the object should give the owner the advantages of the services of which it admits.²

VATTEL, *Law of nations*, chap. XIII, secs. 281, 282, p. 125.

Sec. 281. It is manifest that the use of the open sea, which consists in navigation and fishing, is innocent and *inexhaustible*; that is to say—he who navigates or fishes in the open sea does no injury to any one, and the sea in these two respects is sufficient for all mankind. Now nature does not give to man a right of appropriating to himself things that may be innocently used, and that are inexhaustible and sufficient for all. For, since those things, while common to all, are sufficient to supply the wants of each, whoever should, to the exclusion of all other participants, attempt to render himself sole proprietor of them, would unreasonably wrest the bounteous gifts of nature from the parties excluded. The earth no longer furnishing, without culture, the things necessary or useful to the human race, who were extremely multiplied, it became necessary to introduce the right of property, in order that each might apply himself with more success to the cultivation of what had fallen to his share, and multiply, by his labor, the necessities and conveniences of life. It is for this reason the law of nature approves the rights of dominion and property, which put an end to the primitive manner of living in common. But this reason cannot apply to things which are in themselves inexhaustible; and, consequently, it cannot furnish any just grounds for seizing the exclusive possession of them. If the free and common use of a thing of this nature was prejudicial or dangerous to a nation, the care of their own safety would authorize

¹ On the occasion of the debate of Art. 544, which defined property, Napoleon expressed energetically, the necessity of suppressing abuses. "The abuse of property", said he, "should be suppressed every time it becomes hurtful to society. Thus, it is not allowed to cut down unripe grain, to pull up famous grape-vines. I would not suffer that an individual should smite with sterility twenty leagues of ground in a grain-bearing department in order to make for himself a park thereof. The right of abuse does not extend so far as to deprive a people of its sustenance."

² Roman law says in this sense, Sec. 2, I, de patr. pot. 1, 8: *Expedit enim reipublicae ne sua re quis male utatur*. Leibnitz further expands this principle of the Roman law by saying, (*De notionibus juris*, etc.): "*Cunnos nostraque Deo debeatamus, ut reipublicæ, ita multo magis universi interest, ne quis re sua male utatur*.

them to reduce that thing under their own dominion, if possible, in order to restrict the use of it, by such precautions as prudence might dictate to them.

FOIRE, *Nouveau droit international public*, traduit par PRADIER-FODÉRÉ, vol. I, ch. II, p. 376, éd. 1868.

Now that we have determined the objects over which one can exercise the right of international ownership, it is necessary to establish the means by which we can acquire the ownership of them. It is certain that the right of ownership exists independently of all actual possession, but the effective ownership presupposes a detention and an actual occupation of the thing which forms the object thereof. This is why it is defined as the right of possessing a thing exclusively and of disposing of it. In order that a thing may pass into the domain of an individual, whether it be physical or moral matters not, two conditions are required; that the object should be capable of being attributed to the exclusive use of one individual, and that it should pass into his possession for his exclusive use. When the individual occupies the thing, and engraves upon it by his labour the seal of his personality, the thing remains bound to the person, so that between the individual and the thing an indestructible legal bond is formed.

HENRY AHRENS, *Course of natural Law, or of the philosophy of law*, vol. II, title 2, par. 67, p. 171-176. Leipzig, 1875. Ed. 7.

In the first period of mankind, governed more by instinct than by the light of conscience, the two constitutive elements of property were not yet distinguished from each other: instinct moved men to seek in common the necessary means to satisfy their first needs. But as men, at that period, in the feeling of their weakness and their dependence, were more strongly subject to the influences of the superior forces of nature, of God, and of social order, they must also have traced back to a higher source all that which the earth produces to satisfy their wants. The goods of the earth, therefore, were looked upon as a gift from God to all for common enjoyment. The idea of individual property could not suggest itself to the mind so long as spontaneity (*spontanéité*) of action, awakened by labor, was too feeble to engender the feeling of personal individuality. Indivisible community of property in the various family and tribal groups, etc., founded upon a religious thought, should have been the law (*loi*) of this first period of the world, the existence of which has been testified to by the principles of philosophy and by the traces which are found in the most ancient documents of history.

But by degrees, as spontaneity acquired more energy, that individual (*personnel*) labor became more intense, general (common) ties began to shrink; each one commenced to separate from the whole and to direct his sight and his sentiments on the parts which lay nearest him; he allied himself more intimately with the family or the tribe in the midst of which he lived; thus his relations gained in intensity what they lost in extensiveness. Then the epoch dawned when opposition between the whole and the portions of a people, and even of peoples among one another, became more and more pronounced, and revealed in a succession of various periods the struggle of the different social and national elements. This protracted and painful epoch of history presents great strides in the development of property. Men, emerging from their first period and still imbued with the views and the sentiments which had predominated therein, had first to gradually make a distinction between

the property of the family or of the tribe, and the ground or earth which GOD had given to all. The division of the common earth began, less in regard to property (*propriété*) than in regard to usage, enjoyment or usufruct. These ideas were to be modified in nomadic, pastoral and agricultural life to which men devoted themselves. The notions of usage and of enjoyment were transformed into the most settled idea of property, when families and tribes began fastening to the soil after relinquishing nomadic life, and claiming from the earth by agricultural labor the means of livelihood which until then they had found on its surface. But albeit the idea of property developed itself naturally through the labor of appropriation of the earth, the thought of individual property was to remain still a long time foreign to the mind. Each one considered himself, first of all, as a member of a family or of a tribe, and, as labor was performed in common, the products were also distributed by family or by tribe. It is, hence, an error to believe that property should have begun by individual occupation or by personal labor. The institution of property, like that of society, was not created by individual aggregation, atomistically, but by the constitution of collective property in the heart of the collective being, superior of the family, of the *gent* or of the tribe.

This period of family property and of collective property of the tribe has been met with among all nations and has endured centuries. But a final step remained to be effected in the trend of appropriation. The individual was to conclude by attributing to himself a right to the earth, at first still conceding collective property, the sovereign right of concession and recovery to the family, to the tribe, and to the nation of which he formed a part, but continually limiting the rights of this superior authority, and more and more securing for himself exclusive rights over that portion of which he had taken possession. When the individual principle of property thus had taken root in society, the social principle seemed destined to disappear forever. But at the very moment when the ancient world fell to pieces, where egotism had pervaded everything, the social element was consecrated anew by becoming inspired from a loftier source, which was to give to individuality itself its true principle. Christianity reestablished the religious and social principle of property, at first by numerous examples of community of goods; and afterwards by allying itself to the Germanic spirit by a greater organization of properties, which were given an hierarchical basis (*hiérarchisées entre elles*). This organization, however, subordinating and claiming human personality to properties, was to be overthrown when the principle of personality reconsecrated by philosophy and religious reform, found especially through the support of Roman law its application to the institution of property, where it in turn was pushed to extreme deductions.

MASSÉ, *Le Droit Commercial*, tit. II, liv. IV, ch. I, par. 1394. 3rd ed.

There is this difference between possession and ownership: that the possession presupposes a detention or an actual occupation of the thing which is the object, while ownership exists independently of all actual possession. It presupposes only that in this sense the things which cannot be detained or occupied are not susceptible of ownership.

All ownership comes from work, to assist in which man has occupied and detained the things susceptible of occupation and detention, and has appropriated them to himself.

Ownership as well as work is of the natural law. The civil law guarantees and protects the ownership, but it does not create.

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1395. I have just now said that the things which are not susceptible of possession or of occupation, that is to say, are not susceptible of a primitive law, are not susceptible of ownership. They are the property of no one, or rather, they are the property of all. These things are what the law writers call "res communes". Such are the air, the water which runs in the rivers, the sea, and the sea coasts. "Naturali jure omnium communia sunt haec: aer, aqua profluens, et mare, et per hoc, littora maris."

PRADIER-FODÉRÉ, *Principes généraux de Droit, de Politique et de Législation*, p. 138. Paris, 1869.

Objects of property (ownership.)—What may the objects of property be? We appropriate to our own use what we have produced and what we have saved, the soil that we have occupied, and the industrial faculties that we have acquired. These various appropriations constitute several kinds of property; property in labor, property in capital, landed property and personal property. The sources of these properties are labor, economy, and occupation. As to the industrial faculties, they are either gifts of nature, such as bodily strength, intelligence and natural talent, or they are the fruits of our own care and painstaking, such as instruction and acquired talents.

The acquisition of property.—These different kinds of property are all entitled to the respect of man; some of them are sacred. How can we refuse to him who has made efforts to produce, the ownership of the result of those efforts? The production which leaves his hands represents the sacrifice of his time, of his labor, of his health, nay, of his life. The man has saved; he has imposed upon himself privation of enjoyment, and when he might have rested he has continued his hard labors; how can he be deprived of the ownership of the result of this sacrifice? He has applied his physical and moral powers, with his capital, to the clearing of land that belonged to nobody; he has improved that land, has erected a dwelling, and has taken possession. Is it not just that such taking of possession should be protected by the provisions of the law? The source of his right is called occupation; he is the first occupant.

BEAUSSIRE, *Freedom in the Intellectual and Moral World*. Pt. I, ch. VII.

Labor is not a creation but a transformation. It needs must borrow of Nature the materials and the instruments. Man devoted to labor by his terrestrial destiny has, therefore, the right to possess himself of all resources that nature furnishes him. He has the right to fertilize the earth, to utilize its products, to subdue even the animals, and make in one way or another docile laborers of them. Beings deprived of reason do not belong to themselves; they cannot dispose of themselves; they follow blindly the laws that are laid down for them; they belong to the intellectual and moral being, who alone, through his labor, can modify, improve, and utilize them. The primitive occupation of the soil and its fruits, either by any individual, any family, any tribe or any association whatsoever is, therefore, perfectly legitimate. "It is a conquest," says Leibnitz, "over our natural enemy, the physical world. Between person and person the right of peace exists so long as one of them has not commenced war or caused a damage, between a person and a thing the right of war is perpetual. The lion is permitted to devour a man, the mountain to crush him, and man is permitted to subdue the lion and pierce the mountain. Victory of the person over the thing, and captivity of the thing, constitute possession; and, by right of war, posses-

sion grants to the person a right over the thing, provided the thing belongs to no one.¹

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There is a first class of duties which seems to justify the right of property: these are our duties to ourselves. They impose upon us, in fact, with the care of our life, the obligation of foresight. It is the condition of the savage, as well of the animal, not to be able to use for food more than the fruits that hang on the trees, the plants which the soil produces without cultivation, the animals which the chase or which a happy hazard casts in the way. From our first step into civilized life we do not fulfil our duty as men unless we seek, by intelligent and sustained labor, to overcome nature and to apply all its forces to the service of our needs, present and future. By this we free ourselves from the subjection of the physical world and the dependence of our equals; we enter fully upon possession of our moral freedom. But on what condition? That our equals as individuals or in society shall not have the right to wrest from us the things which we have appropriated by this preserving labor, that we may rely on permanent possession. Work founds proprietorship, not because it is a free use of our faculties, but because it is a duty.

COURCELLE-SENEUIL, *Theoretical and Practical Treatise of Political Economy*. Vol. I, liv. II, ch. v, p. 292, 2nd ed. Paris, 1867.

The desire, the temptation, to consume is a permanent force; its action can only be suspended by controlling it through another force, which also is always lasting. It is clear that each one would consume the greatest possible amount (le plus possible) if it were not for his interest to abstain from consuming. He would cease to abstain as soon as he would cease to have his interest, which should endure without interruption in order that capital should always be preserved. This is why we say that interest is the remuneration of this labor of saving and preserving, which is a necessary condition of industrial life, because without it capital in whatever form it might be could not be lasting.

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Three attributes distinguish the objects comprised under the generic name of wealth; they are suited to satisfy human wants, that is to say, useful, material, and appropriate.

Wealth considered from the standpoint of its origin is natural or artificial. The first is that which nature directly offers to man, and which without previous labor he can appropriate to satisfy his needs; such are the spontaneous fruits of the earth, the earth itself, and matter in general in its primitive forms. The second is that of which its utility is the result of human labor in some sort; and moreover, the objects entitled wealth are not to take this name except they unite the three characteristics indicated above.

It is not necessary still to insist on utility; all the world agrees that that which is desired by no one cannot be comprised among wealth . . . whether considering the earth or the sea; as soon as appropriation and enjoyment of utility commences, there is wealth; as soon as utility or appropriation ceases wealth disappears.

¹ *Nova methodus discendæ docendæque jurisprudentiæ.* Duteus, III, p. 213.

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